



Determination 2014/026

Regarding which fire risk group should be used in determining the compliance of proposed accommodation at 64A Rosella Road, Mangere East, Auckland

1. The matter to be determined

1.1 This is a determination under Part 3 Subpart 1 of the Building Act 2004¹ (“the Act”) made under due authorisation by me, John Gardiner, Manager Determinations and Assurance, Ministry of Business, Innovation and Employment (“the Ministry”) for and on behalf of the Chief Executive of the Ministry.

1.2 The parties to the determination are:

- A Bydder, the architect who is a licensed building practitioner under the Act and who is the applicant in this case (“the applicant”)
- Auckland Council carrying out its duties and functions as a territorial authority or a building consent authority (“the authority”).

1.3 This determination arises from a dispute between the parties as to which Acceptable Solution (C/AS1 or C/AS2) applies to the proposed building work for the purposes of achieving compliance with Clause C of the Building Code². The applicant is of the view that the proposed building work falls within risk group SH³, and therefore C/AS1 applies. The authority’s view is that the proposed building work falls within risk group SM, and therefore C/AS2 applies.

1.4 I take the view that the matter to be determined⁴ is whether the proposed building work complies with Clause C of the Building Code.

1.5 In making my decision, I have considered the submissions of the parties and the other evidence in this matter.

2. The building work

2.1 The proposed building work consists of three, two-storey buildings, to be constructed on a level site in an urban location. The proposed buildings will be arranged around a central open-air car park.

2.2 The proposed buildings will be built to a similar, but not identical plan. Each building contains two units, with each unit constituting a separate fire cell. On the

¹ The Building Act, Building Code, Compliance documents, past determinations and guidance documents issued by the Ministry are all available at www.dbh.govt.nz or by contacting the Ministry on 0800 242 243.

² In this determination, unless otherwise stated, references to sections are to sections of the Act and references to clauses are to clauses of the Building Code.

³ Risk groups are described in Table 1.1 of the Commentary for Acceptable Solutions C/AS1 to C/AS7

⁴ In terms of section 177(1)(a) of the Act.

plans submitted to the determination the sides or halves of the buildings are denoted as flats or blocks (“the units”). There are six units in total; four of which contain eight bedrooms and two containing seven bedrooms. There is no access between adjacent units. The units are joined by a party wall, which is double stud and fire rated to 60 minutes (refer figures 1 and 2 showing the arrangement of the units).

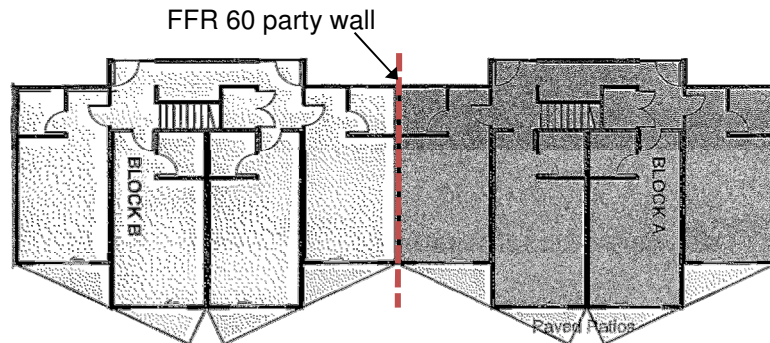


Figure 1: Site plan of one building, containing two units (not to scale)

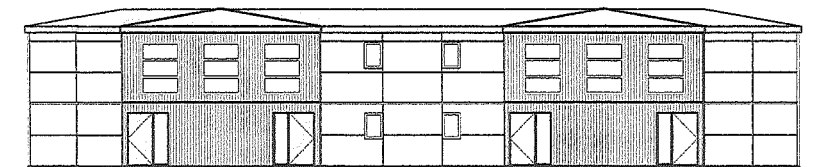


Figure 2: Elevation (not to scale)

2.3 Each unit has two doors on the ground floor giving access to and from the outside. The doors open onto a foyer, which contains a shared laundry area. The common kitchen and living areas are on the upper level. The bedrooms (shown as double on the plans) all have their own lockable entrance door from the foyer or living areas, and contain a lounge space, study space, and ensuite bathrooms. There are no cooking facilities in the bedrooms.

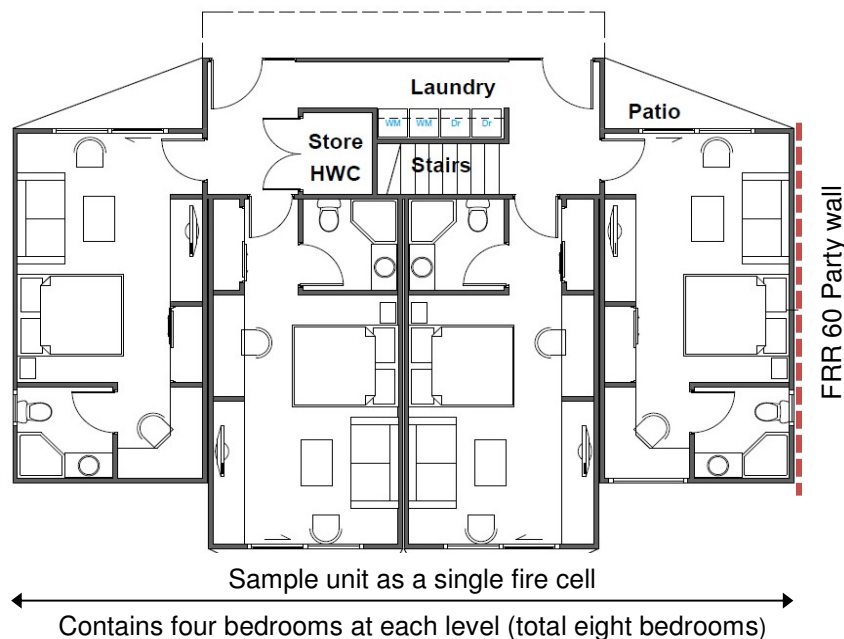


Figure 3: Ground Floor Plan (not to scale)

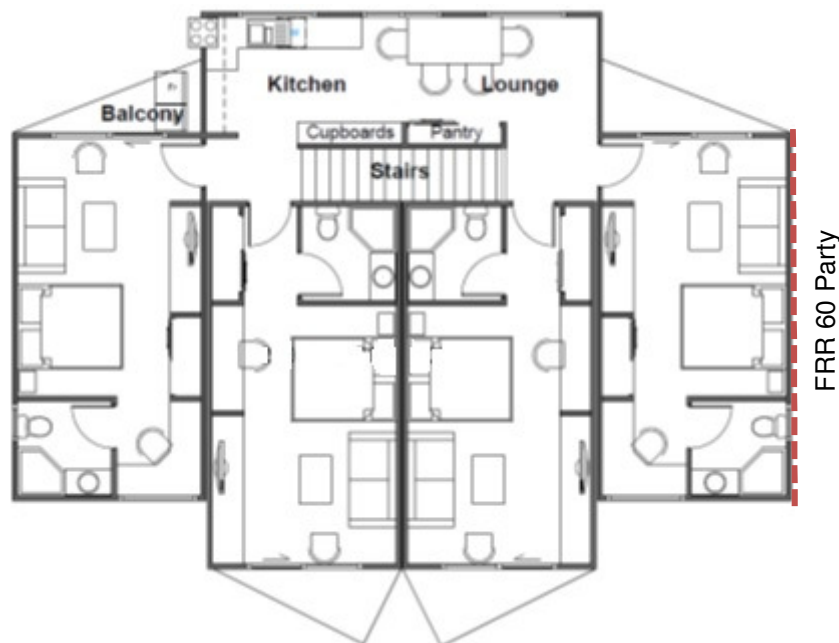


Figure 4: First Floor Plan (not to scale)

- 2.4 The bedrooms on ground level have an external entrance door leading to and from a patio area. The upstairs bedrooms have external doors that lead onto first floor balconies. Fire egress for the upstairs rooms is via a common flight of stairs to the foyer.
- 2.5 The walls between the bedrooms within each unit are double stud for acoustic privacy, but are not fire rated. The walls between the bedrooms, the escape route and shared areas in each unit, and the internal doors are also not fire rated.

3. Background

- 3.1 The applicant applied for resource consent to ‘establish six new household units’ at an urban site close to Middlemore Hospital in Mangere East. On the plans submitted with the application the development is called Rosella Apartments. The authority approved the application on 3 May 2013.
- 3.2 The applicant lodged an application for building consent in July 2013. I have not been provided with a copy of this application.
- 3.3 The building consent application included a ‘fire design’ report. The report describes each side of the proposed buildings as residential units.

The units are designed for short-term rental on individual bedrooms to adult occupants, most likely working at Middlemore Hospital. The residents share kitchen and laundry facilities as a household unit, but have private bedrooms and bathrooms. The building manager can control occupancy via the rental contracts to one person per bedroom as resident, with provision for one or two non-sleeping visitors.

The report goes on to say that:

The name “Apartments” used in the development’s title is not the meaning ascribed in the fire code (sic). The units are adjoined side-by-side as townhouses, and each

unit has a dedicated stairwell, so may be treated as small multi-unit dwelling. Risk Group SH applies.

The balance of the report outlines the compliance of building work with C/AS1.

- 3.4 The authority initially appointed a private provider to process the building consent on its behalf. This provider was of the view that the proposed building work fell within risk group SM. Following a disagreement between the applicant and this provider, the authority appointed a second provider (“the consultant”) to process the consent. The consultant is a private company providing building consent processing and compliance inspection services.
- 3.5 The consultant was of the view that proposed building work fell with risk group SM. The application was reviewed by the authority’s fire engineer, who concurred with the consultant’s view.
- 3.6 On 6 August 2013 the consultant wrote to the applicant, noting that in the consultant’s view the units did not meet the ‘intention of C/AS1 – risk group SH’ and stating that the units fell within the risk group SM as a building where more than five people pay for accommodation (paragraph 1.1.1(e) of C/AS2).
- 3.7 The application for a determination on the matter was received by the Ministry on 17 January 2014.

4. The submissions

- 4.1 The applicant provided a description of the proposed building work and how the applicant intends that the buildings will be used. It includes the following points:
- The name ‘apartment’ ascribed to the buildings was for marketing purposes. The buildings are ‘townhouses’ and for the purpose of the Building Code are small multi-unit dwellings.
 - No services are provided to the buildings. Each unit has a kitchen, lounge and laundry and ‘no meals, cleaning or other services are provided’.
 - The units are designed as rental properties (flats). Each flat has 7 or 8 bedrooms in ‘one household unit.’
 - Leases are on a room by room basis with minimum 3 month leases which will effectively exclude transient accommodation, motels, hotels and such-like operating on nightly rates; ‘it is expected that all rooms will be filled on 6-12 month leases’.
 - The location is close to Middlemore Hospital, but the development is unconnected with the hospital.

The owners see a target market for medical staff on short-term (90 days to 1 year) training programmes at the hospital. However, the accommodation is not specialised for medical staff. It could be used equally by students or professionals.
 - A useful comparison is a student flat; the residents of each unit will eat, play, work, train, study, and ‘live together as a household’.

There is strong social cohesion between the residents...This social cohesion means flatmates can be expected to help each other with a shared sense of responsibility in the event of a fire.

- Household units are not restricted to family groups, but can include ‘a group of people who choose to live together in a house’.
 - The developer has built similar eight-bedroom buildings nearby where the current occupants are all medical staff and have 6-12 month leases on a room-by-room basis.
 - The buildings are designed as ‘permanent accommodation’ and ‘not temporary or guest accommodation’, as discussed in the Ministry’s *Commentary for Acceptable Solutions C/AS1 to C/AS 7*. They ‘will not be used for conferences or similar, and every resident will quickly become familiar with the simple layout of the building.’
 - The proposed building work is ‘simply 6 semi-detached houses where flatmates come and go’.
- 4.2 The applicant went on to consider Acceptable Solution C/AS1 and risk group SH, stating that in his opinion the proposed building work would be classed as a multi-unit dwelling, akin to a townhouse, and fall within paragraph 1.1.1(b) of C/AS1, because
- each multi-unit dwelling (referring to each unit) is no more than two units high and has its own escape route
 - there was no limit on the number of bedrooms a household unit could have
 - the proposed building work was not a boarding house as it provided permanent, not temporary or guest accommodation.
- 4.3 The applicant then went on to consider Acceptable Solution C/AS2 and risk group SM. He acknowledged that many of the types of buildings that come within the scope of SM appeared to be ‘at a glance’ close to the proposed building work. However, he stated that even if the proposed building work did fall within risk group SM, then C/AS1 should still apply, because the proposed building work would fall within the exception in section 2.2.10 of C/AS2 for small multi-unit dwellings with independent escape routes.
- 4.4 The applicant’s submission also contained a detailed consideration of the various types of residential and guest accommodation mentioned in the Building Code and Acceptable Solutions, and outlined the background to the dispute between the parties.
- 4.5 With his submission, the applicant provided copies of correspondence and plans relating to the resource consent application.
- 4.6 The authority made a submission dated 21 February 2014. In its submission, it outlined the background to the processing of the building consent, and confirmed that it maintained the view that the proposed building work came within risk group SM, rather than SH.
- 4.7 In response to a request from me, the authority provided copies of:
- the applicant’s fire design report (see paragraph 3.3)
 - the consultant’s letter dated 6 August 2013 (see paragraphs 3.6).

5. The draft determination

- 5.1 Copies of a draft determination dated 28 February 2014 were forwarded to the parties and the New Zealand Fire Service on 13 March 2014.
- 5.2 The authority accepted the draft determination without comment in a response dated 18 March 2014.
- 5.3 In a letter dated 9 April the New Zealand Fire Service stated that it agreed with the conclusion in the draft determination.
- 5.4 The applicant did not accept the draft determination, and made a detailed submission that focussed on the nature of the residential activities that were likely to take place within the proposed buildings, and the degree of risk associated with them. In his submission, the applicant concludes that:
- On balance, you will see that the project is a lower risk than many household units that automatically qualify as SH. Accordingly, there is no reasonable way of placing the project in SM, which you state in [the February draft determination] is “considered to pose a higher risk”...The rules for SH are entirely appropriate for this situation, providing a 30-minute life and property protection, with early warning from smoke alarms.
- 5.5 The main points from the applicant’s submission are summarised in the table below, under the headings used by the applicant. I have taken these points into account, and responded to them where appropriate, in my discussion.

Summary of applicant’s submissions on the draft determination	
Future use	The way the buildings are operated cannot be changed, it is controlled by the resource consent. The current resource consent is for household units and the proposed building work cannot be used for anything else. Changing the use would require a new resource consent, ‘which automatically triggers a new building consent’.
Transient vs permanent accommodation	The discussion about student accommodation in relation to page 5 of the commentary is incorrect. The reason student hostels come within risk group SM is because transient users may stay in them who are not familiar with the building.
Landlord relationship	The fact that the rooms are rented individually does not mean there will be no social cohesion.
Household units	Household units do not require a caregiver or person in charge. They are not restricted to a family group, but are ‘literally a group of people [who] choose to live together in a house’.
Controlling cohesion	The landlord does not need to control the cohesion of the house. This will automatically be created by the people who live there.
Physical arrangement of facilities	The physical arrangement of the proposed building work ‘provides for independence, but still requires communal living’. These are townhouses designed to meet the needs of niche market and should not be compared to ‘a narrow view of a normal home’.
Nearest suitable risk group	The proposed building work is ‘no worse than your average house’. Nothing in the activities proposed to occur in the buildings increases the risk of fire. The requirements in SM are too onerous for such simple buildings. SH provides sufficient fire protection for the actual risk.

6. Discussion

6.1 General

- 6.1.1 The matter for determination is whether the proposed building work complies with Clause C of the Building Code. The dispute between the parties has hinged on whether the proposed building work falls within risk group SH or SM, and hence whether Acceptable Solution C/AS1 or C/AS2 applies.

- 6.1.2 It follows that in determining whether the proposed building work complies with Clause C, I must consider which risk group the work falls within and hence which Acceptable Solution can be applied.
- 6.1.3 It is important to note that the Acceptable Solutions provide one way, but not the only way of showing compliance with the Building Code. It is always open to the applicant to propose to use a Verification Method or an alternative solution for achieving compliance with Clause C. In this situation, the Acceptable Solutions provide a useful benchmark for the level of fire safety to be achieved – that is the type and degree of protection from fire that will be necessary for a building within a particular risk group to achieve compliance.

6.2 The risk groups and Acceptable Solutions

- 6.2.1 The relevant Clauses of the Building Code, and paragraphs of the Acceptable Solutions⁵ and the commentary to the Acceptable Solutions referred to in this determination are set out in Appendix A. (The comments in the Acceptable Solutions provide guidance on, but do not form part of, the solutions).
- 6.2.2 The Acceptable Solutions for Clause C are based around the concept of different buildings, or parts of buildings, belonging to different risk groups (refer Appendix A). Risk groups are allocated depending on the activities that will occur within the building or part of the building.
- 6.2.3 There are seven risk groups, each with a corresponding Acceptable Solution (C/AS1 to C/AS7). All of the Acceptable Solutions have in common Table 1.1, which sets out the seven risk groups and their Acceptable Solutions. I have copied the relevant parts of Table 1.1 in Appendix A.
- 6.2.4 In the current case, the issue is whether the proposed building work falls within risk group SH (building sleeping - residential) or SM (building sleeping - non institutional).
- 6.2.5 Paragraph 1.1.1 of the Acceptable Solutions (the solutions all use a common numbering system throughout), describes in greater detail the types of buildings or parts of buildings that fall within the particular risk group that the Acceptable Solution refers to.
- 6.2.6 The Ministry has also produced a commentary document on the Acceptable Solutions (*Commentary for Acceptable Solutions C/AS1 to C/AS7*, February 2013) (“the commentary document”), which provides even more detail about the types of activities that would fall within the particular risk groups. The commentary document does not form part of the Acceptable Solutions, but has been issued as guidance on their interpretation under section 175 of the Act.
- 6.2.7 In Appendix A I have copied the relevant parts of the Acceptable Solutions and the commentary document relating to the scope of C/AS1 and C/AS2 as applied to this application in a single table. I have copied the relevant material in full, as the interpretation of these is critical to the matter under consideration.

6.3 Applying the Acceptable Solutions

- 6.3.1 The first step in establishing which Acceptable Solution applies is to determine the risk group for the activities carried out in the proposed buildings. There is no dispute between the parties that the activity that the buildings will be used for is to provide

⁵ In this case, as the consent was applied for in July 2013, it is the version of the Acceptable Solutions dated 15 February 2013 that applies.

sleeping accommodation. Nor is it disputed that this activity will be consistent throughout the buildings, and that as a result only one risk group will apply. The difficulty arises because the planned activity does not fit neatly within the specific types of sleeping accommodation expressly described within the Acceptable Solutions.

6.3.2 Turning to C/AS1, buildings coming within the SH risk group include those that are used as single household units and multi-unit dwellings where there is no more than one unit above another and each unit has an escape route. Boarding houses are also included where they only accommodate five or fewer guests.

6.3.3 Household unit is defined in C/AS1⁶ as:

Household unit

(a) means a *building* or group of *buildings*, or part of a *building* or group of *buildings*, that is—

(i) used, or intended to be used, only or mainly for residential purposes; and

(ii) occupied, or intended to be occupied, exclusively as the home or residence of not more than 1 household; but

(b) does not include a hostel, boarding house, or other specialised accommodation.

6.3.4 The matter turns on whether the proposed units (of eight bedrooms and common areas) can be classified as:

- single household units, which would come under the risk group SH and comply by way of C/AS1; or
- small multi-unit dwellings of eight households, which would come under the risk group SM and require separate fire escape routes.

6.3.5 I accept that if the applicant manages the accommodation in the way he proposes, the proposed units do not fit neatly within any of the listed types of accommodation as they are commonly understood to operate.

6.3.6 The type of accommodation that the applicant plans to provide has some similarities to a backpacking or hostel situation, where residents have separate rooms that they pay to occupy on an individual basis, but where cooking, living and laundry facilities are shared. The arrangement also has similarities to hotel accommodation and serviced apartments, although the applicant does not propose to provide any services for residents.

6.3.7 I do not consider the proposed building work could easily be described as apartments, as is contended by the authority. Although in certain aspects the rooms are like small apartments, the absence of any individual cooking arrangements precludes this term being applied in a New Zealand setting.

6.3.8 Neither in my opinion do the units fall within the definition of a single household unit. The applicant believes that the residents will form a cohesive household unit but this is not something that he can control. Neither is it something that I believe will necessarily be fostered by the internal physical arrangements of the proposed buildings. The design caters for independent living, be that in small units akin to bedsits or apartments, or in a hostel type situation: the shared areas are small, and though residents may chat if they encounter each other there the shared areas are not likely to act as communal areas for gathering or living in.

⁶ There is no material difference between the definition for household unit under C/AS1 and as defined in Clause A2 Interpretation of the Building Code.

- 6.3.9 I do not accept that the proposed buildings are conducive to accommodating one large household. Rather the buildings are designed to accommodate several small independent units or individuals, who may or may not interact. Whether they do or not will be a matter of chance, influenced to a degree but not definitively, by how the buildings are managed (refer also paragraph 6.3.17). Put another way; the balance and arrangement of the facilities within the buildings is weighted more towards individual living (the bedrooms with associated en suites, lounge and study or office area), than typical flats or shared living. Although the applicant believes that the residents in his proposed buildings will live as a single household unit, this is not something that can be assumed or that he can enforce.
- 6.3.10 This situation (of an activity not falling clearly within one risk group) has been foreseen in the Acceptable Solutions. Section 1.2.1 of the Acceptable Solutions states that 'If the activity is not listed explicitly, choose the nearest suitable risk group.' This will involve assessing the characteristics and fire risk factors that cause the different types of accommodation to be placed in either risk group, and seeing which proposed activity is closest to it.
- 6.3.11 In my opinion, the design of the proposed buildings, and the accommodation activities that the applicant plans to provide within it, are closer to the activities covered by risk group SM, than SH.
- 6.3.12 The activities within risk group SM are considered to pose a higher risk with respect to protection from fire, than those that occur with risk group SH. Foremost among the reasons for this is the concept of a household unit. Where all the people within a building or part of a building live as one household, they can be expected to have an awareness of the presence of fellow residents' in the building and to more naturally assist them in the event of a fire. In my opinion, residents attracted to the proposed style of accommodation are more likely to live independently of one another, and will be unaware of their fellow residents' presence and movements.
- 6.3.13 There is no expectation that residents will know each other. Residents will obtain accommodation directly from the landlord, and there will be no obligation for them to get to know other residents as might be the case in a flatting situation.
- 6.3.14 Another factor is the permanence, or otherwise, of the accommodation being offered. In my view permanence is not only a matter of how long people stay in a place, but also in how they view it and relate to fellow residents. Residents who do not consider their accommodation to be their permanent residence are considered to be more at risk from fire, and hence to require greater protection. Types of accommodation that are more likely to be used by transient or temporary residents fall within risk group SM. It also determines how familiar residents are likely to be with a building, along with the means of escape in the event of a fire.
- 6.3.15 The accommodation that the applicant is proposing to provide is designed to appeal to professionals, interns and students working or studying at or near the hospital, and in my view these will be people who do not want the distraction of running or being involved in a household. In particular, I believe it is similar to the situation discussed on page 5 of the commentary document (under the heading 'Accommodation types') in relation to student hostels, which are considered temporary accommodation even though a student may reside in a hostel for a full academic year. The inclusion of student hostels in risk group SM reflects the fact that any resident may stay a much shorter time: a few weeks or months. I believe the same applies here; the design of the proposed buildings can cater for temporary accommodation needs, and the length of this need can be expected to vary.

- 6.3.16 Another factor that I consider relevant to whether or not household groups would form within the units is that it will be largely a question of management practices, and that these will be practices of the landlord not the people living in the buildings. The applicant states he will not be providing services to the buildings, but this is something that could easily be changed, if it suits the owner's purposes or there is demand for these services among the residents. Likewise, the applicant states that leases will be of a minimum length, but again this is something that may change in the future, either under the applicant's management or a new owner. (Refer also paragraph 6.3.20.)
- 6.3.17 I have issued numerous determinations about management practices. In Determination 1992/1102⁷ I stated:
- . . . the Building Act does not cover the management of buildings in that respect, and assurances as to future management practices will rarely be enforceable under the Act.
- In Determination 2006/22⁸ (which related to activities in a backyard in which there was a pool), I took the view that I must take account of both present and future owners of the house, who may not adopt the same management practices. I still consider these views are relevant and in making a decision I cannot rely on the behaviour of the people managing or operating a building as management practices are not enforceable.
- 6.3.18 The relevance of this in the current case is that under the management of a new owner, or the current applicant but in different circumstances, the way that the proposed buildings are managed may change. In the case of a more usual house or apartment complex, this would not be such a large consideration in my decision, as to a large extent the design of the building will determine how it could be managed. In the present case, however, the design of the buildings are such that they could easily be used as some form of temporary accommodation, such as bedsits, a hostel, backpackers, serviced apartments or hotel, and that all of these uses fall within risk group SM.
- 6.3.19 This need for taking into account future as well as current uses of a building is reflected in the Acceptable Solutions, in the comment to section 1.2, which talks about the need for future flexibility and the desirability of taking into account, at the construction stage, the future uses of a building.
- 6.3.20 In his submission on the draft determination the applicant mentions the resource consent that has been issued for the proposed building work, and that a change in the use of the buildings would require a change to the resource consent and trigger a building consent. The change of use provisions in the Building Act and its regulations, are not the same as the proposed activities that resource consents are issued for. One is a planning matter, the other a building one. The change of use provisions in the Building Act apply when the owner of an existing building is seeking to change its use: the use categories being defined in the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005.

⁷ Determination 1992/1102: Handrails for an Assembly Service Building (*Building Industry Authority*) 3 December 1992.

⁸ Determination 2006/22: Swimming pool fences at 13 John Street, Ponsonby, Auckland (*Department of Building and Housing*) 22 March 2006.

- 6.3.21 Overall, having considered the characteristics of the proposed building work and its intended use, I consider that the building work provides for residential accommodation that is closest to the types of accommodation covered by risk group SM, and that as a result the Acceptable Solution that applies is C/AS2.
- 6.3.22 Compliance by way of C/AS2 would likely require the installation of a Type 5 alarm system, including a manual call point, heat and smoke detection and an alarm system throughout each unit. This means that should a fire break out in one bedroom (for example ground floor bedroom one), the occupants of all other rooms within that unit will be made aware of the need to evacuate. In addition the fire separation requirements (separating each of the 'bedrooms', the corridors and stairway (means of escape), and the shared areas) would allow sufficient time for occupants to escape safely away from the effects of fire. The compliance requirements under C/AS1 are less onerous, but in this case would leave occupants vulnerable to fires they are unaware of and would likely affect the single means of escape available.

6.4 The application of section 2.2.10

- 6.4.1 The applicant has submitted that, even if the proposed building work falls with risk group SM, the provision in section 2.2.10 of C/AS2 relating to multi-unit dwellings applies.
- 6.4.2 Paragraph 2.2.10 of C/AS2 states:

Multi-unit dwellings

2.2.10 For low-rise *buildings* that have no more than two levels (one *household unit* above another), and where each *household unit* has its own *escape route* that is independent of all other *household units*, and that contain only *risk group SM*, then the requirements of *risk group SH* shall apply (see C/AS1).

- 6.4.3 For this provision to apply, each household unit must have its own escape route. As I have found that each of the two units in each of the buildings are not household units and that each of the rooms is to be treated as an independent unit, then each of the rooms would require its own means of escape in order to come within this provision.

6.5 The applicant's submission on the draft determination

- 6.5.1 In his submission on the February draft determination, the applicant made extensive comparisons between how he envisaged the proposed building work would be used and managed, and other existing residential situations, which he believed would fall within the SH risk category.
- 6.5.2 Determinations are decided on a case-by-case basis and I cannot base my conclusions about what is required for a particular building to achieve code-compliance on what is happening elsewhere. In the current case, I have looked at the design and nature of the proposed building work, and assessed what are the activities that are likely to, and capable of, occurring within this design, and what is their associated risk.
- 6.5.3 As I have explained in paragraph 6.3, I believe the design of the buildings is more conducive to the types of accommodation that fall within risk group SM, than SH.
- 6.5.4 In his submission to the draft determination the applicant also refers to the degree of fire protection provided by C/AS1 and believes that this is adequate for the type of residential accommodation he is seeking to provide. As I have mentioned in paragraph 6.1.3, the applicant has chosen to rely on the Acceptable Solutions to

demonstrate compliance with Clause C of the Building Code, but there are other avenues of establishing compliance available to him. The applicant could use verification C/VM2, which provides an alternative means of establishing compliance for building work that does not fit neatly within any of the Acceptable Solutions.

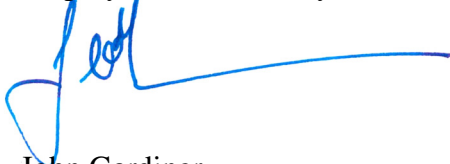
6.6 Conclusion

6.6.1 The applicant has designed the proposed building work to comply with C/AS1. Given that I have decided that the proposed building work falls within risk group SM, and that paragraph 2.2.10 of C/AS2 in respect of multi-unit dwellings does not apply to the current design, I conclude that the proposed building work does not comply with Clause C of the Building Code.

7. The decision

7.1 In accordance with section 188 of the Building Act 2004, I hereby determine that the proposed building work does not comply with Clause C of the Building Code.

Signed for and on behalf of the Chief Executive of the Ministry of Business, Innovation and Employment on 21 May 2014.



John Gardiner
Manager Determinations and Assurance

Appendix A

Table 1.1 Risk groups and Acceptable Solutions			
	Acceptable Solution	Risk group	Applies to
C/AS1	Single household units and small multi-unit dwellings	SH	Houses, townhouses and small <i>multi-unit dwellings</i>
C/AS2	Sleeping (non institutional)	SM	Permanent accommodation eg, apartments Transient accommodation eg, hotels, motels, hostels, backpackers Education accommodation

The comment to Table 1.1 explains that:

Designing a *building* to provide fire safety involves decisions on both the *construction* materials and layout needed to reduce the risk to an acceptable level. The risk is assessed according to: the number and mobility of the occupants (*occupant load* and *risk group* of the *building*); the activities undertaken within the *building*; and the nature of the *building* materials and contents. This assessment allows each *building* activity to be categorised in a risk group, which is the basis for determining *fire safety* features.

Acceptable solution	Risk group	Scope (from acceptable solutions)	Description (from the commentary document)	Commentary on the Acceptable Solutions and risk groups (from the commentary document)
C/AS1	SH	<p>(Page 17) The scope of this Acceptable Solution is restricted to <i>risk group</i> SH. This covers <i>buildings</i> where people sleep including multi-unit residential with some restrictions on height. This includes the following:</p> <p>a) Single household units</p> <p>b) Multi-unit dwellings with no more than one unit above another (see Figure 1.1) and where each unit has an <i>escape route</i> independent of all other units, and including associated garages or carports whether or not they are part of the same <i>building</i></p> <p>c) Detached dwellings used as boarding houses for fewer than six people (not including members of the residing family)</p> <p>d)...</p>	<p>(Page 3) Detached houses and <i>buildings</i> subdivided into multiple dwellings, provided that:</p> <ul style="list-style-type: none"> • People from each dwelling have their own independent <i>escape route</i> to a <i>safe place</i> (ie, their own corridor and <i>stairway</i>), and • The <i>buildings</i> are no more than two units high (there is no limit on the number of units side by side). <p>Not included: <i>buildings</i> with any corridor or <i>stairway</i> serving more than one dwelling, detached boarding houses with facilities for six or more guests (see <i>risk group</i> SM).</p>	<p>(Page 4) C/AS1: Risk group SH <i>Risk group</i> SH applies to detached houses and to <i>buildings</i> containing a number of separate residential units, provided there is no more than one unit above another. Therefore, the Acceptable Solution covers the <i>fire</i> safety requirements for a row of townhouses and maisonettes as well as two-storey apartment blocks.</p> <p>While each <i>household unit</i> may have more than one floor, it must still have its own independent <i>escape route</i>. If the <i>building</i> provides a shared <i>escape route</i>, then C/AS2 will apply. If a detached house is used as a boarding house, it may have the facilities to accommodate up to five paying guests and still fall within this <i>risk group</i>. Boarding houses accommodating six or more paying guests are categorised as <i>risk group</i> SM.</p> <p>The <i>fire</i> safety requirements for <i>risk group</i> SH are relatively minor and are limited to having maximum <i>travel distances</i>, restricting the use of <i>foamed plastics</i> on walls and ceilings, and protecting <i>other property</i>.</p>
C/AS2	SM	<p>(Page 20) The scope of this Acceptable Solution is restricted to <i>risk group</i> SM. This covers <i>buildings</i> or parts of <i>buildings</i> where people sleep. This will include the following provided they are no more than 20 storeys high (from ground level):</p>	<p>(Page 3) All multiple unit accommodation <i>buildings</i> not included in <i>risk group</i> SH.</p> <p>Note: there are some minor differences in requirements depending on whether the accommodation is considered permanent</p>	<p>(Page 4) C/AS2: Risk group SM <i>Risk group</i> SM applies to any place where people sleep, except:</p> <ul style="list-style-type: none"> • those <i>household units</i> covered in <i>risk group</i> SH (C/AS1), and • where people are cared for or detained

		<p>a) Apartment <i>buildings</i> and other <i>buildings</i> which consist of more than one household unit</p> <p>b) Accommodation units within other risk groups</p> <p>c) Hotel, motel and serviced apartment buildings</p> <p>d) Backpackers, cabins on holiday parks</p> <p>e) <i>Buildings</i> where more than 5 people pay for accommodation (such as homestay/ bed and breakfast)</p> <p>f) University halls of residence, education accommodation (eg, school boarding hostels), and</p> <p>g) <i>Wharenui</i> and other community sleeping spaces.</p>	<p>(ie, the occupants would be considered to be familiar with the <i>building</i> and its features) or temporary. Apartments and flats are considered permanent accommodation, while hotels, motels, hostels, serviced apartments and similar <i>buildings</i> are considered temporary accommodation.</p> <p>The Acceptable Solution for this <i>risk group</i> also specifies particular <i>fire</i> safety requirements for education accommodation, which has been singled out because of its particular nature.</p> <p>This category includes boarding schools (both primary and secondary education) and university halls of residence.</p> <p>Not included: Early childhood education (see <i>risk group CA</i>).</p>	<p>(refer to <i>risk group SI (C/AS3)</i>).</p> <p>Accommodation types</p> <p>Permanent versus temporary accommodation</p> <p>The Acceptable Solution for this <i>risk group</i> has different <i>fire</i> safety requirements depending on whether the <i>buildings</i> in this category provide permanent or temporary accommodation.</p> <p>For the purposes of this Acceptable Solution, permanent accommodation is considered to be that where occupants live on a permanent basis such that this accommodation would be regarded as their residential address. Other accommodation within this category is considered to be temporary.</p> <p>When developing this Acceptable Solution, a time limit of 90 days was suggested as determining the difference between permanent and temporary accommodation. However, it was accepted that, in certain cases, people may not live in a fixed place for 90 days but would still consider their residence status as permanent. Equally, temporary accommodation may be used as a more permanent place of residence (for example, serviced apartments might be used on a long-term or semi-permanent basis for working week accommodation), but this activity would still be classified as temporary accommodation.</p> <p>Generally, houses that are used as student accommodation and the like would be regarded as permanent accommodation. However, student hostels provided by universities and other tertiary education</p>
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