

MINISTERIAL CORRESPONDENCE BRIEFING NOTE

Subject: Fire safety of new aged care and child care facilities in high rise developments
Contact Officer: Gregory Schonfelder, Principal Advisor, Building Industry and Policy **Ph No:** 07 3008 2575

BACKGROUND

- [redacted] 49(3) wrote to the Honourable Jackie Trad MP, Deputy Premier, Minister for Infrastructure, Local Government and Planning and Minister for Trade and Investment, and had requested [redacted] to meet with the Deputy Premier to discuss [redacted] concern that fire safety issues involving new aged care and child care facilities in Queensland are not adequate.
- [redacted] 49(3) is responding to an announcement from Brisbane City Council's Lord Mayor, that more of these facilities in the future will be located in high rise development and current building legislation is not adequate to allow safe evacuation of the users.
- [redacted] 49(3) believes additional fire safety provisions are required in Queensland to address the shortfall in fire safety requirements.

CONSULTATION

Internal Consultation

- Not applicable.

External Consultation

[redacted] 49(3)

<p>DIVISIONAL HEAD APPROVAL</p> <p>Signature: [redacted] 49(3)</p> <p>Don Rivers Assistant Director-General Building Industry and Policy</p> <p>Date: 24/11/16</p> <p><input type="checkbox"/> Routine: Straight to MO (via ESU) <input checked="" type="checkbox"/> Non Routine: DG to endorse</p>	<p>DIRECTOR-GENERAL APPROVAL</p> <p>Signature: _____ Liza Carroll Director-General Department of Housing and Public Works</p> <p>Date: / /</p>
<p>MINISTER'S OFFICE NOTING</p> <p>Name: _____</p> <p>Date: 12/12/16</p>	<p>COMMENTS</p>



FURTHER INFORMATION

- The responsibility of the fire safety issues for the construction of child care and aged care facilities in new buildings, and where these facilities are established as a 'change in use' in existing buildings, lies with the building legislation.
- Planning requirements are only for the appropriate land use and associated requirements for that particular site and should not cover building matters.
- The fire safety code noted in the correspondence Queensland Development Code (QDC MP 2.3) relates only to residential care buildings in operation before 1 June 2007 and does not apply to new child care centres and residential care buildings.
- As a result of fatal fires in high occupancy residential buildings, three States have legislated a higher safety standard than the National Construction Code (NCC) for these buildings (the fires were in 'Kew Cottage' (Victoria) in 1996; 'Childers Backpacker' (Queensland) in 2000; and 'Quakers Hill' (New South Wales) in 2015). The mandatory installation of fire sprinklers is a major aspect of these higher standards. In Queensland, the higher fire safety standards for new residential care buildings are contained within the *QDC MP 2.2 – Fire Safety in Residential Care Buildings*.

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- A Child Care Centre is classified as a Class 9b building (Assembly Building) under the NCC. Other buildings in this classification includes theatres, churches, schools, nightclubs and the like.
- Queensland formerly had a QDC (MP5.4 Child Care Centres) which covered the licensing aspects of these facilities. These provisions are now incorporated into the NCC's early childhood centre requirements. There is no additional Queensland fire safety building requirements for child care centres.
- If a Child Care Centre was to be incorporated into a high rise building, for example a building with 3 storeys or more, the whole building must be constructed in Type A construction. This is the most fire resistant construction under the NCC.
- Neither the ABCB nor the Department are considering the introduction of higher safety standards for Aged Care Buildings and Child Care Centre than currently exist.
- The most appropriate avenue for achieving the proposed higher standards for occupant safety in these buildings is through amendments to the NCC. The procedure employed by the ABCB is for interested parties to submit a 'proposal for change' (PFC) or initial consideration by the relevant building or plumbing technical ABCB Committee. A major change to the NCC is a lengthy process involving extensive consultation and undertaking a Regulatory Impact Statement if required. PFCs must be submitted by 1 September 2017 in order to allow sufficient time for consideration prior to the release of the NCC 2019 public comment draft.

Release



Minister for Housing and Public Works

Ref: HPW02671-2016

15 DEC 2016

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49(3)

Dear 49(3)

Thank you for your letter of 5 August 2016 to the Honourable Jackie Trad MP, Deputy Premier, Minister for Infrastructure, Local Government and Planning and Minister for Trade and Investment regarding fire safety issues and evacuation standards for child care centres and aged care facilities. As building fire safety matters for new buildings are regulated through the *Building Act 1975* your correspondence has been forwarded to me for a response. I understand that you have sent a further letter to the Deputy Premier's office requesting a meeting to discuss 49(3) findings.

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With regard to child care centres, there are no specific Queensland requirements for fire safety in these buildings over and above the NCC. I encourage you to consider submitting a Proposal for Change relating to child care centres to the ABCB, for consideration as part of any changes to the NCC 2019. Further information about this process can be found at: www.abcb.gov.au/NCC/Propose-a-Change.

I hope this information answers your enquiry. If you need more information or help with this matter, Michelle Hill, Manager Strategic Policy (Building), Building Industry and Policy can be contacted on (07) 3008 2540 or by email michelle.hill@hpw.qld.gov.au.

Yours sincerely

Mick de Brenni MP
Minister for Housing and Public Works

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From: donotreply_webcontactform@cabinet.qld.gov.au [mailto:donotreply_webcontactform@cabinet.qld.gov.au]
Sent: Friday, 5 August 2016 1:44 PM
To: Deputy Premier <deputy.premier@ministerial.qld.gov.au>
Subject: Planning Laws and Conditions - Local Government
Importance: High

Cabinet Contact email for Jackie Trad MP Deputy Premier, Minister for Infrastructure, Local Government and Planning and Minister for Trade and Investment

Release

Subject: Planning Laws and Conditions – Local Government

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----- Comment:

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We are seeking guidance on the fire safety issues surrounding the planning and placement of Child Care and Aged Care facilities, following the Brisbane City Council lord mayor announcement for more of these in high rise style use. These high rise facilities offer far greater challenges to the occupants, when not on ground or just 1 level up.

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Is there a place in the planning instrument (SPA, Local Gov't, Townplan Act) for development approvals that when they are Child Care or Aged Care use – they have special conditions imposed.

No different to industry and EPA conditions for waste.

But for Aged Care and Child Care – impairments and evacuation methods employed to achieve fire safety is very hard to achieve. There needs to be a state plan (National Plan preferred) to deal with this new approach.

The issue is clear ; – fire will kill the aged and children in these facilities from exposure, if normal building codes DtS rules are applied. They need “Special” treatment and planning. I can advise that the current situation will ultimately give rise to fatalities to children in some centers throughout Australia.

The QDC MP2.3 is simply not enough. See link to Mexico fire in 2009.
(<http://edition.cnn.com/2009/WORLD/americas/06/06/mexico.day.care.fire/index.html>)

Can you please advise or a time and what the current provisions are.

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Thank you.

RTI RELEASE

MINISTERIAL DOT POINT BRIEFING NOTE

Subject: Fire Safety for Child Care Centres and Aged Care Centres in high-rise buildings
Contact Officer: Phil Finimore **Ph No:** 3008 2506

SUMMARY OF ISSUES

- [redacted] 49(3) wrote to the Honourable Jackie Trad MP, Deputy Premier, Minister for Infrastructure, Local Government and Planning and Minister for Trade and Investment, relating to fire safety issues in child and aged care facilities.
- 49(3) requested a meeting [redacted] 49(3) to discuss their concerns that fire safety issues involving new aged care and child care facilities in Queensland are not adequate in high rise buildings.
- 49(3) is responding to an announcement from Brisbane City Council's (BCC) Lord Mayor that more of these facilities in the future will be located in high rise development and current building legislation is not adequate to allow safe evacuation of the users.
- The Deputy Premier referred this matter to the Minister for Housing and Public Works as the requirements for fire safety in buildings are set out in the building legislation which falls under the Minister's portfolio of responsibilities.
- At the request of the Minister, a meeting was held on 6 December 2016, between officers of Building Industry and Policy and [redacted] 49(3) in relation to issues [redacted] 49(3) about fire safety in child care facilities within high rise buildings. Other attendees at the meeting included representatives from Queensland Fire and Emergency Services, [redacted] 49(3) [redacted] 49(3)

POINTS OF RELEVANCE

The Building Code of Australia

- In 2007 the Australian Building Codes Board (ABCB) provided to members of the Building Codes Committee (BCC) a copy of a consultant's report on an evaluation of the adequacy of the Building Code of Australia (BCA) requirements for early childhood centres located on upper levels of multi-storey buildings. The former Office of Children in the Department of Communities provided feedback to Building Codes Queensland (now BIP) to assist them to respond to the ABCB consultant report.
- The ABCB Office has confirmed that there was no action taken as a result of the report because it was concluded that there was insufficient evidence to show the current BCA provisions were inadequate.
- 49(3) provided an extensive paper, [redacted] 49(3)
- [redacted] 49(3)
- Based on the information in [redacted] 49(3) paper and the nature of the ABCB's report conclusions, Building Industry and Policy would, after detailed consideration, support any PFC put forward. However, given the three year amendment cycle of the BCA, it is unlikely that a matter as complex as that set out in [redacted] 49(3) paper would be properly resolved in time for any changes to the BCA being published in the 2019 edition.
- [redacted] 49(3)



Brisbane City Council Planning Scheme

- At the 6 December 2016 meeting, 49(3) advised that the Brisbane City will make provisions in their planning scheme to permit more childcare centres in high rise buildings. However, in light of BCC's acknowledgement that the BCA may be deficient in some areas regarding these uses, there may be a risk that technical building provisions may be included in the scheme.
- Duplicating technical building provisions in planning schemes would be in conflict with current planning legislation and be contrary to Council of Australian Governments reforms of building regulation in Australia.

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<p>DIVISIONAL HEAD APPROVAL</p> <p style="text-align: center;">49(3)</p> <p>Signature: _____ Logan Timms Assistant Director-General Building Industry and Policy</p> <p>Date: 20/12/16</p> <p><input checked="" type="checkbox"/> Routine: Copy to DG (hard copy attached) <input type="checkbox"/> Non Routine: DG to endorse</p>	<p>DIRECTOR-GENERAL APPROVAL</p> <p>Signature: _____ Liza Carroll Director-General Department of Housing and Public Works</p> <p>Date: 1/1</p>
<p>MINISTER'S OFFICE NOTING</p> <p>Name: _____ 49(3)</p> <p>Date: 4/1/17</p>	<p>COMMENTS</p> <p>Logan, can I discuss this with you/links - there is no recommendation for the Minister or is it that we propose to do a PFC which will be presented to ABCB in early 2017?</p>

RTI REQUEST CASE

Building Ministers' Forum Teleconference

Department of Housing and Public Works

Agenda Item No: 7

Teleconference Date: 30 June 2017

Date Prepared: 29 June 2017

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Recommendations

Queensland's position

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5. That the BMF direct the Australian Building Codes Board (ABCB) to review fire safety in high rise child care centres as part of the ongoing ABCB holistic fire safety review.

Note/support

Other jurisdictions' positions

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Fire safety in high rise child care centres

- Unknown.

Issues and impacts for Queensland

Release

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Fire safety in high rise child care centres

- [redacted] 49(3) has advised the Department of Housing and Public Works [redacted] 49(3) intends to submit a Proposal for Change (PFC) to the Australian Building Codes Board (ABCB) seeking to have the egress provisions for child care and aged care facilities upgraded.
- [redacted] 49(3) raised concerns about the current fire safety requirements for child care facilities. [redacted] considers that they are not adequate for centres located in high rise buildings. Of particular concern is inadequacies in relation to safe evacuation of infants who are unable to evacuate themselves.
- [redacted] 49(3) proposes in [redacted] report (**Attachment 2**) that [redacted] 49(3)
- [redacted] 49(3)
- [redacted] 49(3)
- [redacted] 49(3)
- The provisions addressing child care centres are now captured in class 9b buildings in the National Construction Code (NCC).

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Background

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Fire safety in high rise child care centres

- The Lord Mayor of Brisbane has identified that in the future there is expected to be an increase of child care facilities located in high rise buildings.
- On 6 December 2016 a meeting was held with 49(3) Mr Greg Schonfelder (Building Industry and Policy), 49(3) (Queensland Fire and Emergency Services), 49(3)
- In 2007 the ABCB provided to members of the Building Codes Committee (BCC) a copy of a consultant's report on an evaluation of the adequacy of the Building Code of Australia (BCA) requirements at the time for early childhood centres located on upper levels of multi-storey buildings.
- The ABCB Office has confirmed that there was no action taken as a result of the report as there was insufficient evidence to prove insufficient building provisions to support the NCC was inadequate.
- 49(3) has provided a paper 49(3)
- 49(3)
- An officer of Building Industry and Policy contacted 49(3) on Monday 26 June 2017 and was advised that 49(3) 49(3) intend to submit a PFC to the ABCB to seek to have the egress provisions for child care and aged care facilities upgraded. Due to the three year NCC cycle this PFC is unlikely (under normal timeframes) to be considered in time to be incorporated into the next version of the NCC, due to commence in May 2019.
- The ABCB is currently reviewing a number of fire safety issues as part of its Holistic Review of Fire Safety and this would appear to fit nicely within this category of work.
- On 23 June 2017, officers of the Department met with representatives from the Department of Education and Training and agreed that it would be appropriate for this matter to be raised at the ABCB for consideration prior to considering intervention independently by Queensland.

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	Name	Ph (Work)	Ph (Mobile)
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