



FMA Australia comments on the Regulatory Impact Statement Building Regulations 2006

In February 2006, members of the Facility Management Association of Australia (FMA Australia) prepared a submission to the Building Commission on the Proposed Changes from the Building (Interim) Regulations 2006.

The contributors to our response from the Victorian Branch of FMA Australia were:

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The Facility Management Association of Australia is a strong advocate for the rationalisation and standardisation which is the objective of the Building Regulations 2006.

However we do ask the Building Commission to consider the cost impact of compliance to the proposed changes will have on the industry, in particular existing Division 2 buildings.

We also request an extension of time for of Regulation 1216, Sub-regulation (2), to be extended as we do not believe that there is adequate Building Surveyor resources currently available to meet the demand requirements of meeting the current application date of 13 June 2007.

Thank you for the opportunity to comment.

King regards

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FMA Australia's Response to the Building Commission (Victoria) Regulatory Impact Statement Building Regulations 2006

Introduction

The Facility Management Association of Australia Ltd (FMA Australia) is Australia's leading professional body for facility managers, who are professionals involved in the strategic and operational management of significant facilities in public and private sector organisations. Facilities include commercial, educational, industrial, government and landmark buildings or infrastructure. Facility Managers either manage all aspects of these facilities or provide services to them.

FMA Australia has been established for 17 years with over 1,600 individual and corporate members, with branches in New South Wales, Victoria, South Australia, Western Australia, Queensland and the Australian Capital Territory.

Through taking a leading advocacy role on behalf of its members, FMA Australia represents the interests of the industry to government and regulatory bodies, encourages the development of university courses in facility management and promotes the facility management profession to senior management and the media to increase understanding of this important area across business and the wider community.

A dedicated group of members from the Victorian Branch of FMA Australia have reviewed the Building Commission (Victoria) Regulatory Impact Statement Building Regulations 2006 and provided the attached submission on the regulation.

The review of the Regulatory Impact Statement Building Regulations 2006 undertaken by the Facility Management Association of Australia Limited (FMA Australia) is focussed on the impact that the proposed changes specifically have on our industry and members.

The objectives of the proposed Regulations are welcomed by FMA Australia and we strongly support compliance with the regulatory framework that is rationally designed and supports a safe built environment.

There a number of issues affecting particular aspects of the proposed changes to the Building Regulations 2006 that specifically impact on the Facility Management industry.

FMA Australia would welcome the opportunity to work with the Building Commission to improve the understanding of our members of the Building Regulations 2006 requirements.

FMA Australia Response to Proposed Changes from the Building (Interim) Regulations 2006

For the purposes of simplicity, where no comment has been made against a proposed change, FMA Australia endorse the proposed change and the rationale for change.

Our submission focuses on two elements of the review:

1. Smoke alarm requirements in respect of Class 1b, Class 3, and Class 9a buildings constructed prior to August 1997.
2. Regulatory requirements in relation to maintenance of essential services, as set out in Part 11 of the Building Regulations 1994.

Regulation 309:

Sub Regulation 1 – inclusion of “open space”

FMA Australia response:

The inclusion of open space will require a common sense approach as there is the potential for cost escalation to facilities managers. For example, where short term impacts to vehicular access are necessitated (i.e. due to maintenance, temporary use of open space etc), clarification is required as to whether this is needs to be reverted to the chief officer for consideration and consent.

Sub regulation (2) will require the report and consent of the chief officer for a building permit which involves fire safety matters relating to sprinkler systems if those matters do not meet the deemed to satisfy provisions of the BCA, particularly:

- (a) the omission or removal of a sprinkler system;*
- (b) the design of a sprinkler system in relation to the hazard class of occupancy;*
- (c) a sprinkler system type in relation to the building location or building use;*
- (d) the fire alarm transmission signal of a sprinkler system (including the omission or removal of the direct alarm connection to the fire brigade or any other monitoring service);*
- (e) the water pressure or water flow requirements for a sprinkler system in relation to the hazard class of occupancy of the building within the meaning of Section 2 of AS 2118.1—1999;*
- (f) the reliability of the water supply to a sprinkler system;*
- (g) the connections for potable water or for industrial purposes that may reduce the reliability of a sprinkler system;*
- (h) the stored water capacity for use by a sprinkler system.*

FMA Australia response:

We support this proposal as a means of regulating modifications to a fire safety measure that is evidenced to mitigate injuries and fatalities. Equally, we are weary that the proposed change is a reversion back to previous regulation whereby the Chief Officer was empowered to make determinations that were not always in the best interest of the owner or facility manager.

FMA Australia seeks assurances that the Chief Officer will act in the best interests of all parties and not restrict fire engineering solutions which are generally a lower cost and as effective in mitigating risk of injury of fatality in lieu of always reverting to installation of a fire sprinkler systems.

Regulation 326:

- (1) “Any person may request the relevant council to provide in respect to any building or land –
a. Details of any permit or certificate of final inspection in the proceeding 10 years;”

FMA Australia response:

We suggest that rather than having a fixed time period of 10 years, Councils should be able to provide information from a fixed start date. This will prevent potential conflict in obtaining any permit or certificate of final inspection greater than ten years old.

FMA Australia also notes that there is a privacy issue in obtaining the above information. Clarity is required regarding when, who and how the information can be obtained and suggest development of a means test upon which council can determine the appropriateness of the person obtaining the information.

Regulation 512:

The proposed Regulation defines “service cabinet” and states that a service cabinet door must not project beyond the street alignment more than 600mm when in the open position.

FMA Australia response:

FMA Australia fully support this proposed change and recommend that the Regulation be retrospective and hence apply to all service cabinets.

Part 12 – Maintenance of Safety Measures in Buildings and Places of Public Entertainment:

Divisions 1 and 2 consolidated.

FMA Australia response:

FMA Australia fully support the consolidation of Divisions 1 and 2 however, we are greatly concerned that the cost impact of this proposed change has not been considered. The RIS has only limited reference to the impact on Commercial, Industrial and Retail which this proposed change fundamentally affects. The RIS has not considered the number of effected buildings and the cost impact of this proposed change which we estimate on average to be \$10,000 per building dependant on the size, availability of information and complexity of the building.

FMA Australia does not believe that the penalties go far enough to address the issue of inadequate auditing and enforcement. The current low value of penalties does not give incentive for Councils to actively audit buildings. FMA Australia’s understanding is that there is no funding that is attached to this responsibility of Councils to be the front line of compliance auditors. Given the additional resources that would need to be deployed to put into place a comprehensive enforcement system, some funding of this effort would seem appropriate.

The assumption that all Division 2 buildings will have up to date records for essential services maintenance is fundamentally flawed. Records are generally available for active fire safety measures (i.e. sprinkler systems, hydrants etc), however due to the limited enforcement of the Regulations, our experience suggests that maintenance records will not be available for the majority of Division 2 buildings and therefore the task of defining the maintenance schedule will be labour intensive and consequently, cost intensive.

Due to the shortage of Building Surveyors within the industry, FMA Australia also have concerns on the ability of the Building Surveying industry to have the necessary resources to complete the assessment of all Division 2 buildings within one year.

In addition to the limited resources available, FMA Australia is also concerned that the skills needed to understand complex engineering systems will result in incorrectly defined maintenance schedules. This is particularly the case with fire engineered solutions which often have complex control strategies which can easily be confused and passive fire measures which are often hidden.

Where information is not available (eg fire indices of materials), FMA Australia recommends protection for the building owners and facility managers to ensure capital upgrades are not mandated to simply provide documented evidence. A common sense approach is required similar to existing regulations whereby should a significant fire safety hazard is perceived to exist, major alterations/additions are undertaken, the premises become subject to a “change of use” under the appropriate regulations or a subdivision of the property is undertaken.

This concern is supported by the current practice of using of generic lists for listing Essential Services when issuing an Occupancy Permit. The FM industry often finds itself in a position of having to seek amendments to the list due to the Building Surveyors misunderstanding of the building systems.

The shortage of adequately trained and qualified Building Surveyors, the large number of buildings effected and the limited timeframe for conform leaves the our industry at risk at being overcharged for development of the maintenance schedule.

As stated above, FMA Australia support the need for this proposal, however an extension of time for conformance, training and education programs and the cost impact all need to be considered.

Regulation 1202:

New definition of “maintenance schedule”, with the municipal building surveyor able to consolidate.

FMA Australia response:

FMA Australia would support the role of Municipal Building Surveyors to consolidate and update the Schedule of Essential Services as a positive move towards standardisation. The adoption of a visible maintenance schedule that is certified annually as being completed for all buildings is a welcome step forward.

FMA Australia does have some concerns relating to the potential confusion of responsibilities which may result in a greater level of landlord-tenant disputes. FMA Australia believes that the owner should be responsible and that their concerns could be better addressed through the lease with the tenant. A lack of clear lines of responsibility could result in no party fully owning this issue. FMA Australia is also concerned that the inclusion of the occupiers who are not owners could set a precedent for this dual owner/occupier responsibility to expand into a range of other areas.

The issues of time to comply, training and education and positive incentives also apply to this proposal.

Regulation 1206:

Allows for consolidation of existing maintenance schedules on application by the owner.

FMA Australia response:

We strongly endorse the intent of this proposal. This would enable improved efficiencies for all concerned and should also contribute to improved compliance.

It is very difficult to adequately maintain services of unknown quality, location and maintenance history. The building must have the drawings, plans, specifications, maker’s instructions and maintenance schedules so that irrespective of ownership changes and the like, the essential and safety services of the building can be compliant.

Our position would be that in all new and fully retrofitted buildings that a complete set of plans, drawings, specifications, maker’s instructions and maintenance schedules are required to be kept and fully updated. For existing facilities the Schedule of Maintenance is probably the only viable option. This will of course require additional expenditure and may also uncover some non compliant facilities.

The issues of time to comply, training and education and positive incentives also apply to this proposal.

Regulation 1208 & Regulation 1214:

To define what is the relevant anniversary date for multiple maintenance determination and Occupancy permit for the purpose of annual report.

Owner of building or place constructed before 1 July 1994 must prepare annual report

FMA Australia response:

FMA Australia would strongly welcome any means to simplify the reporting and compliance arrangements and supports this measure as the best means of ensuring that requirements of the Regulations for the one facility are consolidated and up to date.

It is noted that there is the potential for maintenance records not being available for the full year period for a new building at the defined anniversary date which is technically required for the annual report. A common sense approach is required whereby maintenance records be available from the date of the Occupancy Permit.

Regulation 1218 and 1219:

Make occupier also responsible for maintenance of exits.

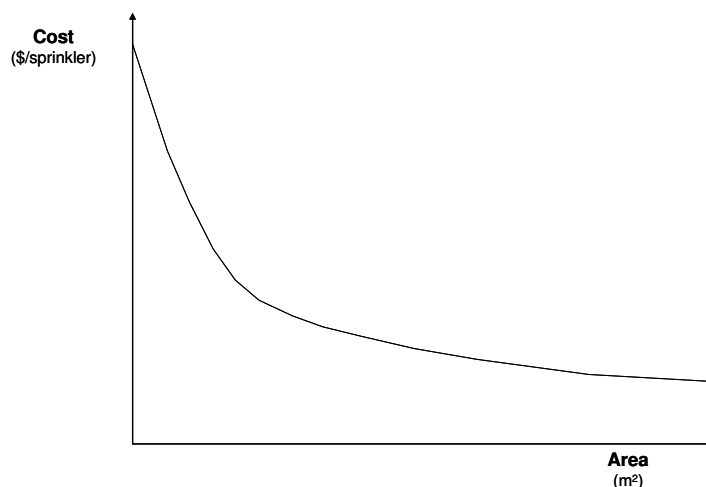
To ensure that the occupier has been informed of their responsibility.

FMA Australia response:

We fully support this in principle but acknowledge that education will be fundamental to the success of its implementation. FMA Australia acknowledge that this proposal impacts the Retail and Residential Apartment buildings in particular. We also recommend that standard terms be developed for insertion into lease agreements that adequately define the responsibility of building owners and occupiers in a simply to understand terminology.

Table 6.18: Outcomes of different sprinkler scenarios

FMA Australia believes that the assumption cost for the installation of a fire sprinkler system for buildings between 360-1347m² is grossly underestimated at \$34.10m². The assumption has been based on the installation cost per single sprinkler head and has failed to consider the capital costs such as valves, meters and pumps (where necessary) that are required irrespective of the number of sprinkler heads. For larger installations, this cost is lowers per sprinkler due to the economies of scale as shown below.



We therefore recommend that the assumed cost for buildings 360-1347m² be reviewed.

Other Observations:

Fire Engineered Systems and Implications for Essential Services Maintenance: This is an area that is inadequately (not) dealt with by current regulations and the BCA. The crux of the problem relates to fire and life safety systems that are installed on a modeled performance basis rather than a compliance approach, (eg a smoke detection / smoke management / evacuation management solution rather than a sprinkled solution). The ongoing effectiveness of these alternatives which are usually cheaper to install, depends upon those involved in the operation, maintenance and future modification of the systems to have an understanding of;

- on what basis they are to operate,
- how they are to be maintained, and
- on what basis they were designed so they can be safely modified for future changes in the building.

This knowledge must be transferred from the design and installation phase stage to the ownership phase. This is an important issue which should be recognised somewhere in this process, as it is unlikely there will be any movement in this area in the BCA for some time. Therefore FMA Australia strongly recommends that the Victorian Regulations need to address this issue in some way, preferably with a requirement that the information be transferred before a Certificate of Occupancy is issued.

This issue is not addressed in the proposed changes and therefore FMA Australia recommend consideration be made to its inclusion as this inadequacy has been a long standing industry concern that has not been addressed.

Conclusion:

The Facility Management Association of Australia is a strong advocate for the rationalisation and standardisation which is the objective of the Building Regulations 2006.

However we do ask the Building Commission to consider the cost impact of compliance to the proposed changes will have on the industry, in particular existing Division 2 buildings.

We also request an extension of time for of Regulation 1216, Sub-regulation (2), to be extended as we do not believe that there is adequate Building Surveyor resources currently available to meet the demand requirements of meeting the current application date of 13 June 2007.