



Tasmania Fire Service

Community Fire Safety Division

File No: A18/135865

The Secretary
Legislative Council Select Committee - Short Stay Accommodation in Tasmania
Legislative Council
Parliament House, Hobart 7000
ssa@parliament.tas.gov.au

Dear Committee Members

Tasmanian Fire Service Submission to the Legislative Council Select Committee Inquiry into Short Stay Accommodation in Tasmania

Thank you for the opportunity to provide input into the above inquiry.

Fire safety is a fundamental issue in the built environment, and Tasmania Fire Service (TFS) is well placed to provide expert opinion on these matters.

TFS values this opportunity to highlight important gaps in the regulatory environment for short stay visitor accommodation that if addressed will provide significant improvement to community fire safety outcomes.

Should you have any questions regarding the TFS submission, please don't hesitate to contact Mr Chris Collins – Manager, Bushfire Planning and Policy (6230 8489, chris.collins@fire.tas.gov.au).

Yours sincerely

Sandra Whight
DIRECTOR COMMUNITY FIRE SAFETY
(on behalf of the Chief Officer)

10 August 2018

Encl. : Tasmanian Fire Service Submission to the Legislative Council Select Committee Inquiry into Short Stay Accommodation in Tasmania

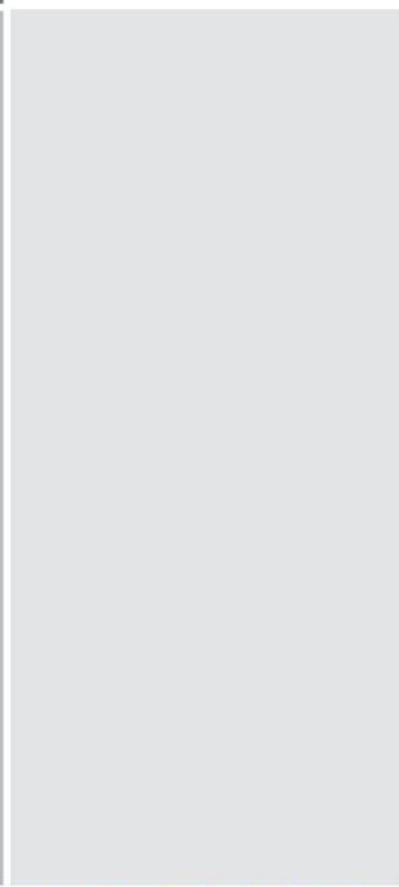
Page 1 of 1

**Tasmania Fire Service Submission
Legislative Council Select Committee Inquiry
Short Stay Accommodation in Tasmania**



Tasmania Fire Service

DATE: 10th August 2018



Contents

Introduction	3
About the Tasmania Fire Service	4
Response to the Terms of Reference.....	4
Tourism trends and the changing market.....	4
Fire Safety Context	5
Bushfire Safety.....	5
<i>Occupant Vulnerability</i>	5
<i>Spatial Analysis</i>	6
<i>Regulation</i>	6
Building Fire Safety	7
<i>Occupant Vulnerability</i>	7
<i>Regulation</i>	7
Home Sharing Platform Rules	8
Strategic Context for Regulatory Improvement.....	8
Proposed Regulatory Changes	9
Recommendations	10
Conclusion	10
References.....	12

Introduction

The Tasmania Fire Service (TFS) thanks the Committee for this inquiry and welcomes the opportunity to provide a submission to the inquiry into Short Stay Accommodation in Tasmania.

The purpose of this submission is to highlight the gaps in the current regulatory framework for the management of bushfire risk and the provision of building fire safety as it relates to short stay accommodation within the sharing economy.

Short stay accommodation has traditionally been provided by Hotels, Motels, Serviced Apartments and Bed and Breakfasts. However, in recent times with the emergence of the sharing economy, the short stay accommodation market has diversified and been entered by online booking systems for serviced rooms, apartments and houses.

While no definition of short stay accommodation was provided for this inquiry, in this submission, short stay accommodation is taken to mean -

accommodation that relates to an arrangement where the whole or part of a building is rented by the property owner or manager, to a visitor or group of visitors on a commercial basis, commonly for periods of time ranging from 1 night to four weeks and sometimes longer. It includes where the rental arrangement is often organised and managed through a set of rules (rather than a formal rental contract) prepared in combination by the owner/manager of the dwelling and the policy framework of an online booking platform such as Airbnb, Stayz, HomeAway, Flipkey, Travelling Frogs, Aura and Tripping¹.

It is acknowledged that there has always been an informal economy of short stay accommodation through the rental of shacks and caravans. However, as tourist numbers to the State of Tasmania have increased over recent years, so too has the participation in the short stay accommodation market on both the supply and demand sides. In response to this market shift, several changes have recently occurred to the regulatory environment governing the short stay accommodation market, including introducing changes to both planning and building arrangements:

- **Planning Directive No. 6 – Exemptions and Standards for Visitor Accommodation in Planning Schemes**, became effective on 1 July 2018 (and minor modification made 1 August 2018);
- **Building Act 2016 – Director’s Determination – Short or Medium Term Visitor Accommodation**, became effective on 1 July 2018.

Despite these changes, short stay accommodation within the burgeoning sharing economy remains largely unregulated for what are considered essential fire safety features for this use class. And, as visitor nights increase, so too does the exposure to unregulated and unmitigated risk. A policy gap in regulation is laying the foundation for an unacceptable risk to public safety.

About the Tasmania Fire Service

The primary purpose of the TFS is to minimise the social, economic and environmental impact of fire and other emergencies on the Tasmanian community. This is achieved through implementing strategies that develop community self-reliance to prevent and prepare for fire, backed by effective response to emergencies.

TFS Vision

Our vision is a Tasmanian community safe from and resilient to the impact of fire and other emergencies.

TFS Mission

Our role is to protect life, property and the environment from the impact of fire and other emergencies by:

- Promoting fire safety across the community;
- Focussing on community resilience; and
- Providing an effective response to emergencies

Response to the Terms of Reference

This submission responds primarily to part four of the terms of reference for this inquiry as highlighted below:

Inquiry Terms of Reference

1. The growth of short stay accommodation in Tasmania and the changing character of the market including recent trends in online letting of short stay accommodation;
2. The impact of short stay accommodation on the residential housing sector;
3. The impact of short stay accommodation on the tourism sector;
4. **Regulatory issues including customer safety, land use planning, neighbourhood amenity and licencing conditions compared to other jurisdictions in Australia and worldwide; and**
5. Any other matters incidental thereto.

Tourism trends and the changing market

In recent years the number of international visitors to Australia has increased, with the majority of visitors coming from the USA, China, Japan and South Korea². Tourism Tasmania has described how the increase in visitor numbers is being reflected in Tasmania, with total visitor numbers increasing from 1.06 Million to 1.26 Million (19%) over the past five years to March 2018. This increase in tourism has been accompanied by a rise in demand for short stay accommodation, with approximately 99% of these 1.26 Million tourists staying overnight within the State³.

For various reasons, this additional demand for short term accommodation has translated into an increase in the supply of short term accommodation within the sharing economy. For example; during the 2015 – 2016 financial year 126,300 nights were booked by 124,500 visitors through Airbnb alone⁴. Hence, the prevalence of short stay accommodation within the sharing economy is not

insignificant, and represents approximately 10% of the Tasmanian accommodation market supply (based on Tourism Tasmania overnight visitor numbers for the year ending March 2016⁵).

Fire Safety Context

A fundamental issue for the built environment is fire safety, which provides for the safety of people within a building, occupants of adjacent structures, and emergency service personnel. However, the vulnerability of building occupants to fire risk is highly contextual and is influenced by occupant characteristics, building characteristics and location. There is therefore a clear distinction between the vulnerability of patrons of short stay accommodation facilities compared to residents of domestic dwellings. Accordingly, fire safety requirements for short stay accommodation facilities (class 1b and 3 buildings) are more stringent than those required for residential buildings (class 1a).

The consequences of absent or inadequate fire safety systems are proven to be catastrophic. Historically the most appropriate way to provide for fire safety outcomes has been through a regulatory approach. Indeed, where fire safety is concerned, it is considered that a sound building control regime is one that does not leave things to chance and does not function on the basis that the market will self-regulate to deliver appropriate fire safety outcomes. Hence, the planning and building system is purposefully designed to avoid unnecessary regulation, whilst ensuring a level of fire safety is provided which is commensurate to the vulnerability of the site or building use.

Short stay accommodation within the sharing economy is effectively the same use class as conventional short stay accommodation (visitor accommodation) because it has an identical fire safety risk profile. Despite this, short stay accommodation within the sharing economy is not subject to the same regulatory requirements and fire safety measures as that of conventional visitor accommodation, and therefore may fail to provide an effective and reliable public safety outcome.

Bushfire Safety

Occupant Vulnerability

Patrons of short stay accommodation within bushfire-prone areas are considered to be particularly vulnerable. They are likely to be unfamiliar with the area they are visiting, and with how to access local public alert information. They may have limited awareness of bushfire, meaning they are less receptive to external cues and limited in their ability to make an accurate assessment of the situation, especially with respect to fast changing conditions. Visitors from non-English speaking backgrounds may have reduced capacity to interpret public alerts and follow instructions in an emergency. Furthermore - unless information is provided - visitors are unlikely to know whether a property is safe for use as a refuge or whether early evacuation is required.

These factors increase the likelihood that visitors will be inadequately prepared in the event of a bushfire emergency and may subsequently make ill-informed 'last

minute' decisions that place themselves, others and firefighters at great personal risk.

Spatial Analysis

To assist in understanding the Tasmanian context, TFS have undertaken a spatial analysis of the number of short stay accommodation services located within bushfire-prone areas. Bushfire-prone areas are expected to experience bushfires. This means being subjected to thick smoke, ember attack, heat and flames, and these are the areas where building and planning controls are rightly applied.

This analysis⁶ found that of 4,459 properties listed on the Airbnb platform, 2,114 (47%) were located within a bushfire-prone area, and thus are at risk from bushfire. This analysis provides an important indicator of the scale of the problem in Tasmania and a context for appropriate regulation.

Regulation

Previous public enquiries have recognised planning and building regulations as important tools for managing risk to buildings and their occupants^{7 and 8}. Similar to other Australian States, Tasmania's planning and building regulatory framework requires that new use and development in bushfire-prone areas complies with bushfire protection requirements. Bushfire requirements are called up through the statutory approvals process for new development and for some changes of land use.

New building work in Tasmania is required under the *Building Act 2016* to satisfy current requirements for:

- Hazard management areas;
- Construction measures;
- Firefighter access;
- Firefighting water supplies; and
- Emergency planning.

New building work to be used for short stay accommodation such as a guest house, hostel, hotel or motel (i.e. a Class 1b or 3 building) is defined as a vulnerable use under Regulation 11A of the *Building Regulations 2014*.

Emergency planning is a key response to the vulnerabilities of both the visitors and facilities they occupy. These types of buildings are also subject to more stringent requirements for hazard management areas when compared to what is required for a residential dwelling (Class 1a building).

Existing buildings in bushfire-prone areas are often not designed or constructed to contemporary standards for bushfire resistance. And, they are not likely to have adequate separation from the hazard for their limited fire resistance. These factors will exacerbate risk to any occupants who decide to seek refuge within the building during a bushfire emergency.

Of concern to TFS is that recent regulatory changes allow for a Class 1a building (single dwelling) to be used for visitor accommodation purposes without any corresponding change in building classification or requirement to consider bushfire risk to occupants. The result is that vulnerable uses will now be able to

operate in bushfire-prone areas without any risk mitigation measures being implemented.

Building Fire Safety

Occupant Vulnerability

Patrons of short stay accommodation facilities are considered to be a particularly vulnerable class of occupants for reasons such as unfamiliarity with the building, the means of egress, and potential fire sources. It is for this reason that the regulatory system, by reference to the National Construction Code (NCC), rightly requires greater fire safety measures for buildings that are used for short stay accommodation when compared to buildings used for residential purposes.

Regulation

The NCC sets out the minimum technical requirements (including fire safety) for new buildings (and alterations/additions to existing buildings) in Australia. In doing so, it classifies buildings by their function and use. That is, “the classification of a building or part of a building is determined by the purpose for which it is designed, constructed or adapted to be used”⁹. The fire safety measures prescribed for these building classes relate to the vulnerability of building occupants.

Residential dwellings are classified as Class 1a buildings. Short stay accommodation facilities have traditionally been classified as either Class 1b or Class 3 buildings (depending on scale). A comparison of the range of fire safety requirements for Class 1a, 1b and 3 buildings is provided in Table 1.

Table 1 - Comparison of fire safety measures regulated via NCC for Class 1a, 1b and 3 buildings

Class 1a building (single dwelling)	Class 1b building (visitor accommodation)	Class 3 building (visitor accommodation)
<ul style="list-style-type: none"> • Fire separation. • Smoke alarms within hallways. 	<ul style="list-style-type: none"> • Fire separation. • Smoke alarms within each bedroom as well as in hallways. • Access and egress. • Evacuation route lighting. 	<ul style="list-style-type: none"> • Fire resistance. • Fire separation. • Protection of openings. • Firefighting equipment. • Access and egress. • Evacuation route lighting. • Smoke hazard management.

Additionally, emergency planning is required for Class 1b and 3 buildings under the *General Fire Regulations 2010* and *Work Health and Safety Act 2012*. There is no such requirement for Class 1a buildings.

The current regulatory requirements for Class 1a buildings used for short-stay accommodation are specified in the *Director’s Determination – Short or Medium Term Visitor accommodation*. For Class 1a buildings with four or less bookable rooms, there are no additional fire safety requirements triggered. For a Class 1a building that has more than four bookable rooms or that is an investment property

(up to 200m² floor area), the owner is now required to complete a self-assessment form.

The self-assessment form requires the owner to confirm that the subject premises has:

- An approved schedule of maintenance for fire safety features; or
- Smoke alarms installed in accordance with what would ordinarily be required for a Class 1a building.

The current requirements allow for the change of use to accommodate a more vulnerable user group without any corresponding increase in building fire safety provisions. Effectively, this arrangement circumvents the nationally accepted standards for building fire safety as established in the National Construction Code.

Home Sharing Platform Rules

Providers of home sharing platforms such as Airbnb, Stayz, HomeAway, Flipkey, Travelling Frogs, Aura and Tripping may provide some guidance and/or rules to hosts for building fire safety and emergency response. For example, Stayz, TakeABreak and Rentahome have developed a set of guidelines for property owners and managers, 'Holiday and Short Term Rentals Guidelines' that include requirements for:

- The fitting of smoke detectors;
- Provision of fire safety information appropriate for the property and in accordance with legislation;
- Provision of after-hours and emergency telephone numbers to guests.

Similarly, Airbnb have a set of Standards and Expectations that apply to all hosts and guests. The Airbnb website states that Airbnb have an enforcement team that responds to violations of the Standards. Safety is one these Standards which encourage all hosts to provide a:

- Working smoke and carbon monoxide detector;
- Fire extinguisher;
- First aid kit;
- Completed safety card with emergency contact details including the closest hospital.

It is acknowledged that in most instances the various providers of home sharing platforms are attempting to ensure a degree of occupant safety is provided by means of rules and guidelines. However, it is noted that the fire safety measures being promoted are less than those that apply to traditional short stay accommodation.

Strategic Context for Regulatory Improvement

The National Strategy for Disaster Resilience provides a clear and direct context for improving the regulatory framework for bushfire and emergency management. This strategy clarifies the role of government at all levels to include:

‘Developing and implementing effective, risk-based land management and planning arrangements and other mitigation activities.’

This national strategy identifies the need to reduce risks in the built environment. It places a clear priority on improving the strategic planning framework by including natural hazards in land use planning schemes, building code standards and state and territory regulations¹⁰.

The *Tasmania Fire Service and State Emergency Service Strategic Direction ‘Framing the Future’* provides a strategic direction for the Tasmania Fire Service and the State Emergency Service that is outcomes focused with community fire safety and resilience to the impact of fire and other emergencies, central to its direction.

Framing the Future’s first Strategic Direction – Supporting Community Resilience provides a set of deliverables over a nine year period for Safer Communities with one of those deliverables being:

‘All-hazard (fire, flood and storm) strategies are embedded within urban development frameworks.’¹¹

Together the above strategies legitimise the context for improving the existing regulatory frameworks and support the TFS recommendations in this submission.

Proposed Regulatory Changes

1. A building intended to be used for short stay accommodation should provide appropriate fire safety for all guests at all times. The number of nights that a building is occupied does not reduce the vulnerability of the occupants. Therefore adequate protection should be provided for the first night of operation and thereafter.
2. Class 1b building requirements for fire safety deliberately provide working smoke alarms in every bedroom, in every corridor or hallway, and on each storey. This is because visitors are highly likely to have closed bedroom doors reducing the effectiveness of smoke alarms located in hallways. The effectiveness of smoke alarms is dependent upon the alarm being heard at the bed-head. Smoke alarms should be provided for all short stay accommodation in compliance with either Class 1b or Class 3 building requirements to ensure effective fire detection and timely warning of occupants.
3. Class 1b building requirements ensure that a pathway is illuminated from every bedroom to an external exit, and is activated when an alarm is activated. This is to increase the ability for rapid evacuation of occupants from a burning building. Visitors are unlikely to be familiar with the route to external exits, and in an emergency situation smoke may seriously reduce visibility and normal electric lighting may fail. Providing an illuminated pathway increases the likelihood of safe evacuation from a burning building.

4. Class 1b building requirements for fire safety under the *General Fire Regulations 2010* include having an evacuation plan. This type of plan is well known to travellers using traditional short stay accommodation. A simple layout plan depicting the room location, the route(s) to safety and the assembly area is usually found on the door of rooms in hotels and motels. Similar plans are also drawn for their homes by primary school age children as part of their home fire safety education. These simple plans are credited with saving the lives of many families as well as ensuring the safety of visitors of short stay accommodation. Simple template based plans should be created and displayed for all short stay accommodation.
5. Buildings in bushfire-prone areas occupied by vulnerable users are already required to have an approved emergency plan for bushfire. Similar to an evacuation plan for internal building fire, the simple bushfire emergency plan significantly increases the likelihood of survival for occupants and visitors during a bushfire. Nearly half of the buildings listed on a single home sharing platform were found to be located within a bushfire-prone area. All short stay accommodation within bushfire-prone areas should have an approved emergency plan for bushfire. Plan guidelines and templates are already downloadable from the TFS website.

Recommendations

1. Require minimum standards for building fire safety in Class 1a buildings where visitor accommodation is a use, including smoke alarms in every building, evacuation route lighting, and emergency planning.
2. Research and monitor short stay accommodation to inform policy development that can improve consumer safety.
3. Improve the safety of guests and hosts through providing and enforcing appropriate safety guidelines in short stay accommodation that align with existing standards within the national construction code (NCC).

Conclusion

Tasmania is experiencing growth in the number of tourists visiting the state and the supply of accommodation options for these visitors is expanding to include online home sharing platforms recognised as part of the sharing economy. This economic growth is important for Tasmania.

Regulating visitor accommodation to include consideration of the sharing economy is moving slowly and conservatively in Tasmania and the rest of Australia. Tasmania is not without regulation for short stay visitor accommodation, however, there are known severe policy gaps for fire safety in the sharing economy. To ignore these gaps will compromise the safety of Tasmanians and visitors to Tasmania.

Tasmania has legitimate and credible commitments through a number of strategic arrangements, for the improvement of the regulatory environment for

short stay visitor accommodation. And, community fire safety is a priority for consideration in the regulatory environment.

Home sharing platforms have a role to play in improving the safety of guests and hosts through the provisions and enforcement of guidelines and policies that align strongly with Government policy. However, the recommendations offered by TFS, to amend the regulatory environment, will provide the bushfire and building fire safety outcomes that the community expects.

References

1	Choice, choice.com.au, A guide to homestay booking sites 1 May 2017, accessed 25/06/2018
2	Tourism Research Australia (March 2018), <i>International Visitors in Australia Summary – year ending December 2017</i>
3	Tourism Tasmania, <i>Tourism Research – Tasmanian Tourism Snapshots – years ending March 2014 to 2018</i>
4	Deloitte Access Economics (2017), <i>Economic effects of Airbnb in Australia</i>
5	Tourism Tasmania, <i>Tourism Research – Tasmanian Tourism Snapshots – years ending March 2016</i>
6	TFS Spatial Analysis 2018, analysis undertaken using accommodation location data sourced from 'Inside Airbnb' http://insideairbnb.com/about.html#disclaimers
7	Council of Australian Governments 2004, <i>National Enquiry on Bushfire Mitigation and Management</i> , Commonwealth of Australia, Canberra
8	Parliament of Victoria (2010), <i>2009 Victorian Bushfires Royal Commission – Final Report (Volume II – Chapter 6 Planning and Building)</i> , Parliament of Victoria, Melbourne.
9	National Construction Code 2016, https://www.abcb.gov.au/ncc-online . Accessed website 10 August 2018
10	Council of Australian Governments (February 2011), <i>National Strategy for Disaster Resilience – Building the resilience of our nation to disasters</i> .
11	Tasmania Fire Service and State Emergency Service (2017), <i>Strategic Direction – Framing the Future</i> .