

ESM Q&A (NSW)

What are Essential Fire Safety Measures (ESM)?

Fire safety measures include items of equipment, forms of construction or fire safety strategies that are provided in a building to ensure the safety of persons using the building in the event of fire. It can include items such as portable fire extinguishers, fire hydrants, fire sprinklers, fire detection and alarm systems and lightweight construction. Fire safety measures include both essential fire safety measures and critical fire safety measures as defined in clause 165 of the Environmental Planning and Assessment Regulation 2000 (NSW).

Essential fire safety measures are often identified in the building's fire safety schedule, where a schedule was required to be issued, or they could be included in the essential services list attached to an approval or order issued under the Local Government Act 1919 or the Local Government Act 1993. Essential fire safety measures are the fire safety measures that form part of an annual fire safety statement.

Critical fire safety measures are the fire safety measures that are of a nature or installed in a manner that requires periodic assessment and inspection at intervals of less than 12 months.

These measures are specifically identified on the fire safety schedule and form part of a supplementary fire safety statement. A critical fire safety measure is also an essential fire safety measure.

Essential Fire Safety Measures include:

- air handling systems (used for smoke hazard management)
- exit doors
- early warning systems
- emergency lifts
- emergency lighting
- emergency power supply
- emergency warning systems
- exit signs
- fire-control centres
- fire curtains and doors
- fire extinguishers
- fire-detection and alarm systems
- fire hydrants
- fire-isolated stairs
- fire-rated materials
- fire windows
- mechanical ventilation (incorporate a cooling tower or hot or warm water system)
- fire-isolated passageways and ramps
- paths to exits
- smoke alarms
- smoke-control systems
- sprinkler systems

A Fire Safety Schedule is unique to each building. ESMs will vary due to the number of floors, equipment, use and type of building.

What buildings require ESMs?

All non-residential buildings (including churches/ church halls /shops /offices /kindergartens etc).

ESM Q&A (NSW)

What do Church Councils need to do (Church Council actions)?

- **Step 1** - For buildings where the location of the Fire Safety Schedule is known, display your Fire Safety Schedule in the foyer of your building.

OR

- **Step 1** - For buildings where the location of the Fire Safety Schedule is unknown or if the current Fire Safety Schedule is incorrect:
 - Obtain the Fire Safety Schedule from Council issued with a Fire Safety Certificate for post 1 July 1988 buildings
 - Obtain a Fire Safety Schedule (Maintenance Determination) from a Registered Building Surveyor for pre 1 July 1988 buildings or where current Fire Safety Schedule is incorrect.

For all buildings regardless of when they were built:

- **Step 2** - Service/maintain (including testing) your ESMs in accordance with the Fire Safety Schedule – this must be carried out by an Accredited Practitioner (Fire Safety).
- **Step 3** - Obtain an Annual Fire Safety Statement (AFSS) from an agent such as Statcom Systems. At least 12 months' evidence of testing is required. If you are not utilising Statcom Systems, email your completed AFSS and Fire Safety Schedule to aesmr@victas.uca.org.au
- **Step 4 – A** - Lodge your Fire Safety Schedule and Annual Fire Safety Statement with your local Council. A Council fee will apply (completed by Statcom Systems if they have been engaged for your AFSS).
- **Step 4 – B** Lodge your Annual Fire Safety Statement with the Commissioner of Fire and Rescue NSW (FRNSW) by emailing afss@fire.nsw.gov.au (completed by Statcom Systems if they have been engaged for your AFSSP)

What is a Fire Safety Certificate?

A fire safety certificate is a document issued by or on behalf of the building owner(s) upon the completion of new building work.

The certificate confirms that each of the fire safety measures that apply to a building (as listed in the fire safety schedule) have been installed and checked by a properly qualified person. This helps verify that the required fire safety measures can perform to the minimum standard.

A fire safety certificate must be issued using a standard template form published by the NSW Government.

ESM Q&A (NSW)

What if we can't find our Fire Safety Certificate for post 1 July 1988 buildings?

If you cannot locate a copy of the Fire Safety Certificate for buildings constructed or parts of buildings upgraded after 1 July 1988, this can be obtained from your Local Council. A letter of consent that you can provide to your Local Council for a Church Council representative to obtain a copy of the Fire Certificate is enclosed in the ESM Information Pack. This will need to accompany whatever form your Local Council requires to obtain the Fire Safety Certificate.

If you fail to obtain a copy of the Fire Safety Certificate and Fire Safety Schedule for a post 1 July 1988 building/renovation/extension, a Maintenance Determination and Fire Safety Schedule from Registered Building Surveyor must be arranged for.

What is a Maintenance Determination and Fire Safety Schedule?

A Maintenance Determination and Fire Safety Schedule is issued for a building by a Registered Building Surveyor.

A fire safety schedule specifies each of the fire safety measures that apply to the building premises. The fire safety measures specified in the fire safety schedule will vary for each building and can be both essential fire safety measures and critical fire safety measures. The schedule also specifies the minimum standard of performance for each of the measures. This standard reflects the standard to which each measure is designed, installed and capable of operating.

When do Church Councils need to undertake these actions?

As soon as possible as the legislative requirement is already in place and it takes 12 months of testing by an Accredited Practitioner (fire safety) and keeping of those records in order to sign off an Annual Fire Safety Statement. An update to the progress of congregations working towards having their ESM program in place will be reported to the Property Applications Review Team by the end of February 2022.

ESM Q&A (NSW)

How much should Church Councils budget for this?

- \$TBC for a Maintenance Determination and Fire Safety Schedule if required (for buildings built before 1 July 1988 or where the current Fire Safety Schedule is incorrect)
- \$850 in the first year (plus GST) for an Annual Fire Safety Statement (includes quarterly inspections), drops down to \$600 per year billed quarterly thereafter
- Further costs for the Accredited Practitioners (fire safety) who will check and maintain your ESMs – this cost is building-specific.

I've been going to my church for decades and we have never had to do this before. Why now?

The requirements for ESMs and the Annual Fire Safety Statement are not new; however, government regulatory bodies tasked with ensuring compliance have increased their activity as a result of local and global fire incidents. The thoroughness of monitoring by Council is dependent on each individual municipal Council.

The Synod Property Services Team have been advising congregations and presbyteries on ESMs for a number of years. We are now communicating with all Church Councils across the Synod to ensure they understand their obligations.

What if we can't afford it?

ESMs are a legal obligation. Furthermore, we have an obligation to ensure our buildings are safe for all occupants.

For some Church Councils facing these latest costs it may mean addressing bigger questions about being able to afford to use the building. We encourage you to talk to your presbytery about what this will mean for your situation.

Topics that could be explored include: are there alternative spaces for you to continue your congregation's ministry and mission without all the costs of running a building yourselves? What building priorities need to be reviewed in order to meet the costs of maintaining your ESMs?

Do we recommend a NSW Registered Building Surveyor?

We do not have a recommended Registered Building Surveyor for NSW.

We recommend a quote being sought from a number of Registered Building Surveyors for comparison and coordination of their attendance at multiple UCA sites if possible to reduce costs.

Property Services can assist with this process.

ESM Q&A (NSW)

Who can sign off on the Annual Fire Safety Statement (AFSS)?

Property Services recommends the engagement of Statcom Systems for the sign off of the Annual Fire Safety Statement, a legal document, as they have the required experience.

The AFSS confirms that an accredited practitioner (fire safety) has assessed, inspected and verified the performance of each fire safety measure that applies to the building.

Can we complete our AFSS without a Fire Safety Schedule?

No, both the Fire Safety Schedule and Annual Fire Safety Statement are to be lodged with the local Council.

What are the penalties for non-compliance?

Non-compliance may result in an infringement notice being issued by your Municipal Council or the Fire Authority.

Can we begin setting up our ESM program in the middle of a lockdown/pandemic?

Yes, fire safety is considered an essential service.

Where can we get more information?

- NSW Planning
<https://www.planning.nsw.gov.au/Policy-and-Legislation/Buildings/Fire-safety-in-buildings/Fire-safety-certification>

<https://www.planning.nsw.gov.au/-/media/Files/DPE/Factsheets-and-fags/Policy-and-legislation/Buildings/fags-fire-safety-statement-2021-02.pdf?la=en>
- NSW Fire and Rescue
<https://www.fire.nsw.gov.au/page.php?id=9157>
- The Annual Fire Safety Statement section on your local Council's website
- Your Presbytery
- Statcom: Aaron Mackenzie, National Project Manager, Statcom Systems
Ph: 1300 872 885, M: 0428 313 574 , E: amackenzie@statcomsystems.com.au
- Property Services: Siobhan Reed, Manager Assets & Administration
Ph: (03) 9116 1956 E: Siobhan.Reed@victas.uca.org.au