



BUILDING SERVICES

DOCUMENT TITLE

ESSENTIAL SAFETY MEASURES (ESM) POLICY

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1 Introduction

- 1.1 This Policy sets out the approach Mitchell Shire Council will take to ensure compliance of essential safety measures within buildings throughout the shire, and to take enforcement action where necessary for non-compliance.
- 1.2 This Policy applies to but is not limited to buildings constructed or for which building permits were issued prior to 1 July 1994, within the municipality of Mitchell Shire Council as described in Part 12 of the Building Regulations.
- 1.3 This Policy seeks to assist increasing community awareness and owners responsibilities regarding maintenance of essential safety measures within buildings and places of public entertainment to improve safety.

2 Definitions

2.1 Meanings:

“**Act**” means the ***Building Act 1993***

“**building**” means:

a structure, temporary building, temporary structure and any part of a building or structure.

“**Essential Safety Measure**” (for buildings constructed after 1 July 1994) means:

- (a) any of the following items required by or under the Act or these Regulations to be provided in relation to a building or a place of public entertainment -
 - (i) an item listed in Tables I1.1 to I1.11 of the BCA Volume One, except the item in Table I1.4 relating to artificial lighting;
 - (ii) an item listed in clause I1.2 of the BCA Volume One; or
- (b) any other item that is required by or under the Act or these Regulations to be provided in relation to a building or place of public entertainment for the safety of persons in the event of fire and that is designated by the relevant building surveyor as an essential safety measure; or
- (c) any other item that is an essential safety measure within the meaning of Division 1 of Part 12 of the Building (Interim) Regulations 2005 as in force before their revocation;

“Essential Safety Measure” (for buildings constructed before 1 July 1994) means:

any measure (including an item of equipment, form of construction or safety strategy) required for the safety of persons using a building or place of public entertainment.

“municipal building surveyor” (MBS) means:

the Municipal Building Surveyor for Mitchell Shire Council appointed in accordance with and for the purpose of the ***Building Act 1993***;

“place of public entertainment” means:

- a) a prescribed building or building in a prescribed class of buildings which is used or intended to be used for the purpose of providing public entertainment; or
- b) a prescribed place or place in a prescribed class of places—
 - (i) which is enclosed or substantially enclosed; or
 - (ii) to which admission can be gained by payment of money or the giving of other consideration—

and which is used or intended to be used for the purpose of providing public entertainment;

“Regulations” means:

the ***Building Regulations 2006*** or as amended from time to time

2.2 Essential Safety Measures are provided in the BCA and include, but are not limited to:

- Building fire integrity and resistance levels
- Fire hydrant hose reels, extinguishers and sprinklers
- Fire/smoke doors and shutters
- Path of travel/ access ramps, exits and lifts
- Signage and emergency lighting
- Smoke and exhaust systems; and
- Alarms, warning systems and back-up power

2.3 Essential Safety Measures apply to all classes of buildings except for a single dwelling or non-habitable building or structure, including but not limited to:

- A boarding house, guest house or hostel

- A building containing 2 or more sole-occupancy units
- A residential part of a hotel, school, motel or detention centre
- A lodging house or backpackers accommodation
- Accommodation for the aged, children or people with disabilities
- Office and commercial buildings
- A shop, café, restaurant, hairdresser or similar
- A car park in a building, warehouse, factory or laboratory; and
- A building of a public nature (including health care, aged care, assembly building and school)

3 Policy

Council will take the following three pronged approach:

3.1 Education

3.1.1 Council will make available to the community sufficient information for persons to understand the legal requirements, owners responsibilities and reasons for those requirements through the following:

- (a) Posting of the policy, information and appropriate links on Council's website.
- (b) Distribution of a pamphlet form of the policy to all service centres and libraries available to the public in addition to child care centres and pool shops who can make provision for such promotional material.
- (c) Preparation of an annual media release and article in corporate publications.
- (d) Enforcement action will be publicised to create greater public awareness of the consequences for non-compliance.

3.2 Proactive

3.2.1 To increase the level of awareness and compliance of essential safety measures within buildings in the shire, Council will:

- (a) Create over time and maintain a database of all applicable buildings in the municipality.
- (b) Develop an annual rolling program of inspections of all applicable buildings in the municipality.
- (c) Annually publicise that Council has a proactive program of conducting inspections.
- (d) Utilise an Inspection Checklist with regard to Regulations.

- (e) Have a subsequent follow-up program where non-compliances are established
- (f) Ensure adequate resourcing for the rolling program of inspections

3.3 Reactive

3.3.1 In accordance with legislative requirements, the Municipal Building Surveyor, upon becoming aware (by any means) of any building with no or non-complying essential safety measures within the municipal district, will take immediate action to bring about compliance.

4 Enforcement

4.1 Council will:

- (a) Inspect all high risk buildings annually and ensure compliance with those properties.
- (b) Implement a rolling program for all other known medium and low risk buildings from the database as resources allow and ensure compliance with those properties.

5 Reporting

5.1 Annual reporting on the number of buildings inspected and the outcomes of non-complying buildings will be prepared and can be provided to Council upon request.

6 Policy Implementation and Review

- 6.1 This Policy will be communicated to the relevant internal Council departments.
- 6.2 This Policy will be maintained and implemented by Council's Municipal Building Surveyor and the Building Department.
- 6.3 This Policy may be varied by the Council and shall be reviewed by 10 February 2017.

7 Reference Documents

- *Building Act 1993*
- *Building Regulations 2006*
- Building Code of Australia
(all as amended from time to time)