

Welcome to the FES webinar series

Understanding your:

- *Occupancy Permit*
- *Maintenance Determinations*
- *Annual Essential Safety Measures Report (AESMR)*

13 October 2021



15 September 20



Leading community safety
Protecting people and assets

Webinar series

Understanding your:

- *Occupancy Permit*
- *Maintenance Determinations*
- *Annual Essential Safety Measures Report (AESMR)*

- **Welcome & Introductions**
- **Presentations**
 - Recording will be sent to all registered attendees after the event
- **Questions**
 - Please use Q&A button (*not “Chat”*)
 - Addressed towards end of today’s session
 - If time doesn’t permit, will be answered afterwards



**Leading community safety
Protecting people and assets**

Welcome

- **Stuart Yarnall** Director & General Manager, **Fire Equipment Services (FES)**
- **John Cutajar** Senior Technical Advisor, **Victorian Building Authority (VBA)**
- **Leonie Sudarsana** Client Development Manager, **Fire Equipment Services (FES)**
- **Fire Equipment Services**
 - **Established in 1902** and is the trading name and commercial division of **Fire Rescue Victoria (FRV)**, a Victorian Statutory Authority and operates in support of the Fire Rescue Victoria Act 1958
 - All **surpluses support** operational efforts of Fire Rescue Victoria (FRV) in **protecting communities**
 - Our purpose is to lead **community safety** by partnering with clients to protect their **people and assets**
 - Vision is to be the trusted leader in **Fire Safety** and **Emergency Management** for **Technical expertise, Responsive service** and **Regulatory compliance**
 - Partners with facility managers, major corporations and small organisations to provide advice and support to **ensure compliance** within a **highly complex regulatory environment**

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- Leonie Sudarsana (FES)
- Q&A



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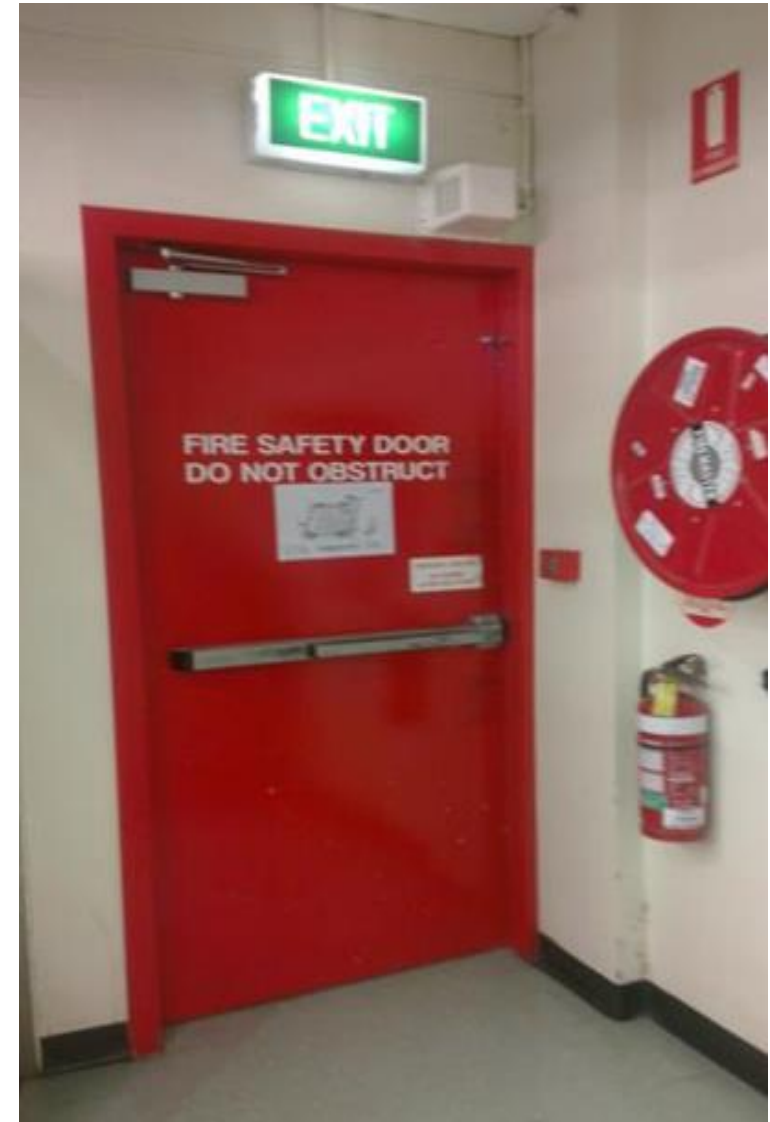


Essential Safety Measures

Understanding Your:
Occupancy Permit
Maintenance Determination
Annual Essential Safety Measures Report
(AESMR)

Overview

- What is an ESM and why is ESM maintenance important.
- Which buildings require ESM maintenance and how do you determine which ESMs apply to your building.
- What is an Occupancy Permit / Maintenance Determination and how do they relate to ESMs.
- When must we prepare an Annual Essential Safety Measures Report.
- What are the owners responsibilities.
- Earthquake effects on buildings and ESMs



What is an ESM and why is ESM maintenance important

- A safety measure specified in column 2 of the Tables in Schedule 8 of the *Building Regulations 2018*.
- An item required for the safety of persons in the event of fire that is designated by the relevant building surveyor as an ESM.
- Any measure required for the safety of persons to be provided in relation to that building or place by the Building Act or any previous corresponding Act..

ESM maintenance is important because it protects Community Safety and is Prescribed in the Building Regulations

Schedule 8—Essential safety measures

Regulation 214

Part 1—Building fire integrity

Column 1 Item	Column 2 Safety measure
1	Building elements required to satisfy prescribed fire-resistance levels
2	Materials and assemblies required to have fire hazard properties
3	Elements required to be non-combustible, provide fire protection, compartmentation or separation
4	Wall-wetting sprinklers (including doors and windows required in conjunction with wall-wetting sprinklers)
5	Fire doors (including sliding fire doors and their associated warning systems) and associated self-closing, automatic closing and latching mechanisms
6	Fire windows (including windows that are automatic or permanently fixed in the closed position)
7	Fire shutters
8	Solid core doors and associated self-closing, automatic closing and latching mechanisms
9	Fire-protection at service penetrations through elements required to be fire-resisting with respect to integrity or insulation, or to have a resistance to the incipient spread of fire
10	Fire protection associated with construction joints, spaces and the like in and between building elements required to be fire-resisting with respect to integrity and insulation
11	Smoke doors and associated self-closing, automatic closing and latching mechanisms
12	Proscenium walls (including proscenium curtains)

Which buildings require ESM maintenance?

- Class 1b to Class 9 buildings..
- Not private houses and associated sheds/garages.
- If a house is being used as a guest house, boarding house or hostel, then it is likely to be a Class 1b building and the ESM requirements will apply.



Occupancy Permits – General.

- Provide evidence that the building is suitable for occupation (Building Act S46).
- Issued by a Building Surveyor (or by the VBA in some instances)
- A building should not be occupied until the Occupancy Permit is issued.
- Display of Occupancy Permit.
- Occupancy Permits kept at Council.

FORM 16

Regulation 192

Building Act 1993

Building Regulations 2018

OCCUPANCY PERMIT

This occupancy permit must be displayed in the following approved location:

[insert details of location]

Property details

Number	Street/road	City/suburb/town	Postcode
Lot/s	LP/PS	Volume	Folio
Crown allotment	Section	Parish	County
Municipal district			

Building permit details

Building permit number

Version of BCA applicable to building permit

*Building details

[complete this portion only if an occupancy permit is required under Division 1 of Part 5 of the Building Act 1993]

*Building to which permit applies	Permitted use	BCA Class of building
Maximum permissible floor live load	Maximum number of people to be accommodated	
Storeys contained	Rise in storeys (for Class 2-9 buildings)	
Effective height	Type of construction	

*Part of building to which permit applies	Permitted use	BCA Class of building
Maximum permissible floor live load	Maximum number of people to be accommodated	

Occupancy Permits – ESMs.

- They should specify the Essential Safety Measures.
- Specify the frequency and type of inspection, testing and maintenance for each listed Essential Safety Measure.
- The above level of detail for Occupancy Permits commenced on 1 July 1994.
- Offence to occupy a building in contravention of the Occupancy Permit (Building Act S40).
- ESMs to be maintained even if the building is not occupied (Building Reg 195).

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[insert details of location]

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*[complete this portion only if an occupancy permit is required under Division 1 of Part 5 of the **Building Act 1993**]*

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*Part of building to which permit applies	Permitted use	BCA Class of building
Maximum permissible floor live load	Maximum number of people to be accommodated	

Maintenance Determinations.

- Issued by a building surveyor if an ESM is provided or altered by a building permit that does not require an occupancy permit.
- Specify Essential Safety Measures that are the subject of the determination.
- Specify frequency and type of inspection, testing and maintenance for each listed Essential Safety Measure.
- Maintain ESMs as specified in the Occupancy Permit and Maintenance Determinations.

*Building Act 1993/
Building Regulations 2018*

MAINTENANCE DETERMINATION Regulation 215

Building/s or part of building or place (List name and address of buildings/parts below)	Description of use of the building or part of building or place	Classification under the National Construction Code (Note: the classification should be consistent with any current occupancy permit for the building).
999 Lonsdale St Melbourne	Office	Class 5

This determination has been issued because the Essential Safety Measures (ESM) listed below have been required to be provided or altered in the above building or place by (delete whichever does not apply):

Building permit no.: (insert no.) 999999999999 dated: (insert date) 5/9/2019 for which there is a Certificate of Final Inspection no.: (insert no.) 999999999999 issued: (insert date) 5 June 2021.
Building Order dated: (insert date) N/A
Emergency Order dated: (insert date) N/A

Regulation 216 of the Building Regulations 2018 requires that the owner of the building or place must ensure that each ESM listed below:

- (a) performs at the level to fulfil its purpose as specified below; and
- (b) is inspected, tested and maintained in accordance with the requirements specified below.

Essential Safety Measures	The level of performance that each essential safety measure must achieve to fulfil its <u>purpose</u>	The frequency and type of maintenance required for each essential safety <u>measure</u>	The frequency and type of testing and inspections required for each essential safety measure
Paths of travel to exists	BCA 2019 - DP2 & DP6 – Deemed to Satisfy	N/A	3 monthly inspection to ensure that there are no obstructions and/or unauthorised alterations.

Signed: X
(Relevant Building Surveyor)

Date: 5/6/2021

Print Name: John Citizen

Which ESMs apply to my building?

A new building constructed on or after 1 July 1994, that, has not had any alterations carried out under a Building Permit, Emergency Order or Building Order.

- The Occupancy Permit should list all the ESMs and their maintenance requirements.

A new building constructed on or after 1 July 1994, that has had alterations carried out under a Building Permit, Emergency Order or Building Order, which provide or alter an ESM

- The Occupancy Permit and the Maintenance Determinations should collectively identify ESMs and their maintenance requirements.

Constructed before 1 July 1994

- We can use the voluntary process to engage a Building Surveyor to prepare or update a Maintenance Schedule to list the ESMs or a competent person can identify the ESMs that exist.

MAINTENANCE SCHEDULE
Regulation 222

Building/s and/or place of public entertainment (place) <i>List name and address of building/s or place below</i>	Description of use of the building and/or place

Table 1 – Building/s or Place of Public Entertainment (place) Identification

This schedule has been issued:

- *a). at the request of the owner under regulation 220; OR
 - *b). because an essential safety measures (ESMs) is specified in relation to a building or place in –
 - '(i) an occupancy permit under regulation 194 (complete table 2 below); OR
 - '(ii) a maintenance determination under regulation 215 (include date/s below)
- [*delete either 'a' or 'b' above]
[if 'a' is deleted, delete 'i' or 'ii' if either is not applicable]

Occupancy permit number	Date of occupancy permit/s or maintenance determinations

Table 2 – Details of Occupancy Permit/s (where issued on or after 1 July 1994) and Maintenance Determination/s

The owner of the building and/or place must ensure that each ESM listed below:

- performs at the level to fulfill its purpose as specified; and
- is inspected, tested and maintained in accordance with the requirements specified below.

Essential Safety Measures <i>List all ESMs specified in an occupancy permit or maintenance determination in chronological order according to the date on which each ESM was required to be provided</i>	Date of occupancy permit or maintenance determination for which the ESM is specified in an occupancy permit or maintenance determination relating to the building and/or place. <i>Insert date that each ESM was required to be provided in chronological order</i>	Document or legislation which lists ESM and the maintenance requirements for those ESMs relating to a building and/or place. <i>Insert occupancy permit no., maintenance determination date</i>	The level of performance that each ESM is required to achieve to fulfil its purpose	The frequency and type of maintenance, testing and inspections required for each ESM

Table 3 – ESMs for buildings/places completed on or after 2 June 2018

Essential Safety Measure	BCA or other provision to which ESM has been installed and is to operate	Frequency and type of maintenance required

Type of Maintenance Required.

- **Buildings constructed or altered on or after 1 July 1994** should have ESMs maintained as specified on the Occupancy Permit and Maintenance Determinations. Alternatively, where the Occupancy Permit or Maintenance Determinations specify maintenance to AS 1851-2005 or an equivalent standard, compliance with AS 1851-2012 may be adopted.
- **Buildings constructed before 1 July 1994** should have ESMs to maintained in a state which enables the ESMs to fulfil their purpose. This is satisfied by using the maintenance standards that applied when constructed or using the equivalent current routine service standards and if deficiencies are being observed at the listed frequencies, then the frequencies should be increased.

Annual Essential Safety Measures Report – Requirements.

- Annual Essential Safety Measures Report (AESMR) is used to record that ESMs have been maintained as specified on the occupancy permit and maintenance determination.
- Buildings constructed before 1 July 1994 – recorded in a state that enables the ESMs to fulfil their purpose.
- **All AESMRs must be retained for 10 years.**
- **AESMRs and maintenance records must be provided to relevant MBS and Chief Officer.**

Building/s and/or place of public entertainment (place) (List name and address of buildings/place)	If applicable, provide details of occupancy permit/s (dated on or after 1 July 1994), maintenance determination/s or maintenance schedule issued for building/place. (Insert date and/or number)

Compliance with AS 1851—2012 in lieu of the specified maintenance standard (optional)^{2 & 4}

Where the relevant occupancy permit or maintenance determination requires maintenance of an essential safety measure (ESM) in accordance with AS 1851—2005 *Maintenance of Fire Protection Systems and Equipment* or an equivalent standard published before 5 September 2005, regulations 196 and 217 provide that the owner may maintain that ESM in accordance with AS 1851—2012 *Routine Service of Fire Protection Systems and Equipment*.

Where the owner has maintained an ESM in accordance with AS 1851—2012 (in lieu of the specified standard), this is indicated in the table below.

Where a maintenance determination or occupancy permit (issued on or after 1 July 1994) does not exist, the following table need not be completed.

ESM/s required to be maintained in accordance with AS 1851—2005 or equivalent standard published before 5 September 2005.	Relevant Occupancy Permit/s, Maintenance Schedule or Maintenance Determination/s (Insert reference number and date)

Maintenance entity details

The following entities carried out inspection, testing or maintenance work on the ESMs for this building/place during the preceding 12 months.

ESMs inspected/tested/maintained	Name and address of entity who performed inspection, testing or maintenance

Owners responsibilities (Div 1).

- Maintain ESMs to fulfil their purpose; and
- ESMs maintained in accordance with the Building Act and Regulations.
- Maintenance records are kept and made available.
- Includes a record of rectification of deficiencies.

Earthquake affects on buildings and ESMs.

- Newly constructed buildings should have their parts and components designed to resist earthquake actions. Earthquakes can cause leaks in fire services.
- Potential wall movement. The operation of all exit doors and doors in the path of travel should be checked at the earliest safe opportunity following an earthquake.



ESM questions answered

When does an Occupancy Permit need to be issued or updated?

Issued when a building is suitable for occupation or use..

- *new building*
- *major building work*
- *change of use*
- *change or occupant numbers*

Occupancy Permits are issued by building surveyor and not typically updated

ESM questions answered

What is needed to change the use of a building?

A building permit and Occupancy Permit is required..

Upgrade building to comply with current building regulations.

Occupancy Permits can only be issued by a building surveyor

ESM questions answered

Can renovations impact ESM requirements?

A building permit is required to undertake building work in relation to ESMs..

A building surveyor should issue a Maintenance Determination for ESMs that are provided or altered.

The Maintenance Determination will list affected ESMs and specify the maintenance requirements.

An owner will need to comply with maintenance requirements on all Maintenance Determinations or Occupancy Permits as well as maintain any pre 1 July 1994 ESMs.

A Maintenance Schedule is also required to be issued by the Building Surveyor.

ESM questions answered

Who can carry out routine servicing functions?

- Competent person.
- Appropriately qualified plumbing practitioner
- Electrician

ESM questions answered

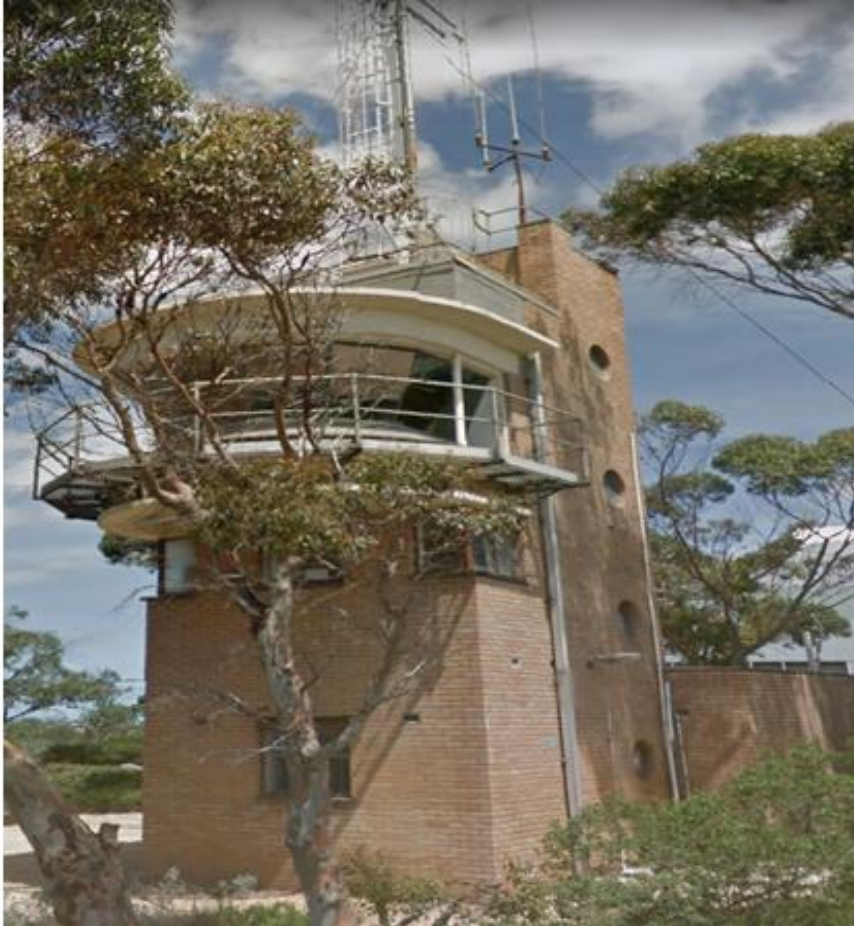
Identifying ESMs.

All Class 1b to Class 9 buildings have at least one of the following ESMs:

- *Path of travel to exits*
- *Smoke alarm system*

Other ESMs may not be easily identified.

Identifying ESMs



Conclusion.

- 'Community safety'
- Legal obligation to maintain ESMs
- Post 1 July 1994 Occupancy Permits and Maintenance Determinations prescribe the maintenance requirements for the ESMs as specified on these documents.
- Occupancy Permits and Maintenance Determinations are kept at Council.
- Sign AESMR when all reasonable steps have been taken to maintain ESMs.
- New Occupancy Permit for change the use
- All Class 1b to Class 9 buildings have ESMs.

Questions?

VBA Technical Enquiries:

E: technicalenquiry@vba.vic.gov.au

P: 1300 815 127

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Servicing to the requirements of an Occupancy Permit

- It is the building owner/asset manager's responsibility to ensure compliance.
- Building owners / asset managers may choose one or more service providers to accommodate the service requirements of their Occupancy Permit
- How to select a service provider:
 - knowledge
 - experience
 - technical expertise
 - regulatory compliance
 - education
 - price

Essential Safety Measures / Life Safety Systems / Emergency Management

First Attack Fire Equipment

- Fire Extinguishers
- Fire Blankets
- Fire Hose Reel
- Fire Hydrant / Booster
- Fire Hose

Active Fire Systems

- Fire Detection and Alarms (FIP)
- Occupant Warning Systems (OWS)
- Emergency Warning & Intercommunication System (EWIS)
- Gas Suppression Systems
- VESDA
- Sprinkler Systems
- Fire Pumps & Pumpsets
- Special Hazard Systems

Passive Fire Systems

- Building Fire Integrity
- Fire Doors / Smoke Doors

Essential Safety Measures

- Exit & Emergency Lighting
- Means of Egress (Paths of Travel, Exits, Exit Doors & Discharge)
- Annual Essential Safety Measures Report (AESMR)
- Mechanical Ventilation / Airconditioning

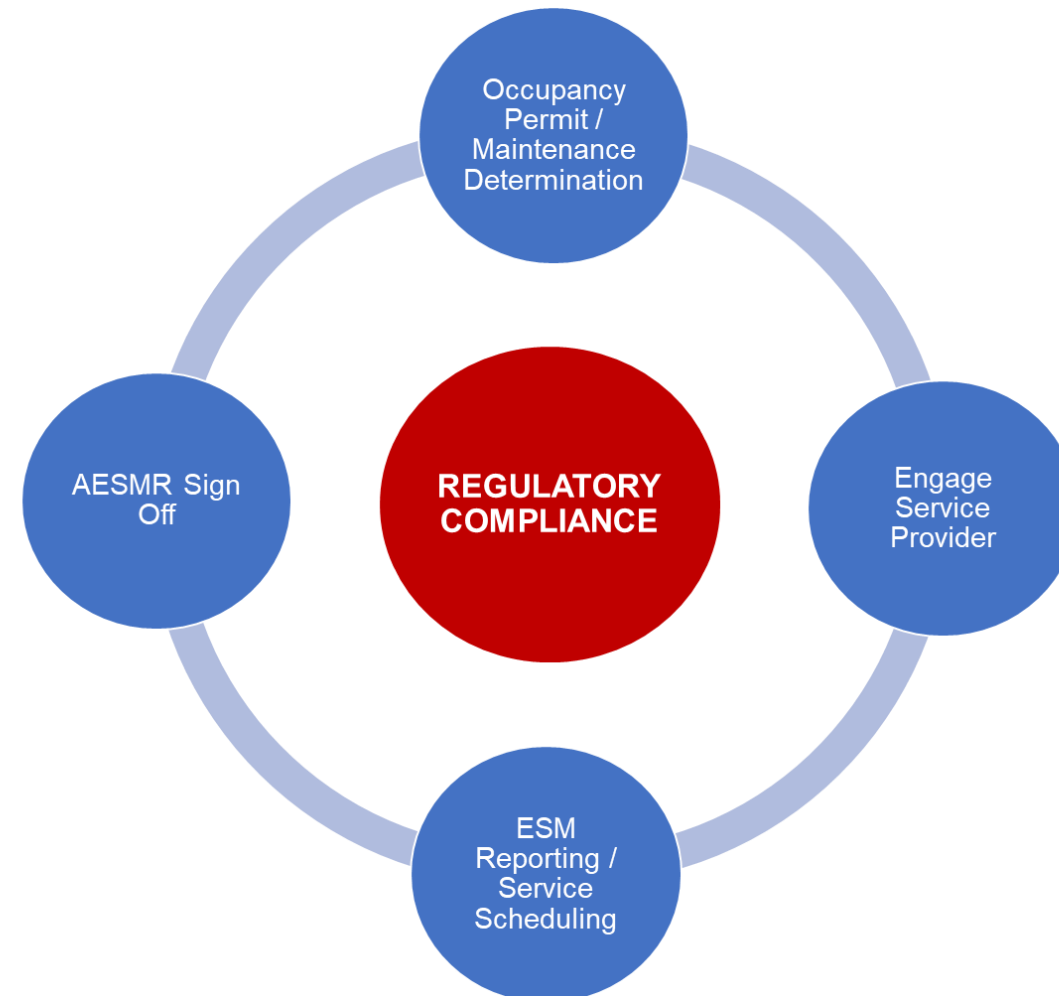
Emergency Training & Management

- Initial Emergency Response
- Extinguisher & Hose Reel use
- Warden & Chief Warden
- Place of Public Entertainment Officer
- Evacuation Drills & Exercises
- Evacuation Diagrams
- Emergency Plans & Procedures

- **Occupancy Permit / Maintenance Determination**
 - Building owners / Asset Managers retain copy
 - Service provider/s deliver in accordance with OP
- **Service provider**
 - Capabilities, skillsets
 - Legislative knowledge
 - Comply with contracted services
 - Client education
- **Reporting**
 - ESM Reports/ Log book sign offs
 - Service Schedules
 - Client Portal – KPI Dashboard
 - Maintain historical data
- **AESMR sign off**
 - Compliance Statements
 - Owner / Representative sign off

- Knowledge
- Safety
- Confidence
- Comfort

..... Lead to Regulatory Compliance!



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Your Questions?

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Our experts are ready to answer:

- John Cutajar (VBA)
- Anita Dorfer-Mehanic (VBA)
- Leonie Sudarsana (FES)
- Rob Lind (FES)



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Where to find more information



- **Phone:** 1300 815 127
- **Email:** technicalenquiry@vba.vic.gov.au
- **Web:** vba.vic.gov.au
- **Social media:**

 [VictorianBuildingAuthority](https://www.facebook.com/VictorianBuildingAuthority)

 [Victorianbuildingauthority/?hl=en](https://www.instagram.com/Victorianbuildingauthority/?hl=en)

 [victorianbuildingauthority/](https://www.linkedin.com/company/victorianbuildingauthority/)



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 [@FESBurwood](https://www.facebook.com/FESBurwood)

 [fire_equipment_services](https://www.instagram.com/fire_equipment_services)

 [Fire-equipment-services](https://www.linkedin.com/company/fire-equipment-services)

Thank You



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