

## Advice: Fire Safety Orders and heritage buildings

### Who is this advice for?

**Relevant Enforcement Authorities** assessing development applications for heritage buildings.

**Owners of heritage buildings** planning alterations, additions or a change of use to their heritage building should refer to [Equitable access, fire safety and maintaining heritage significance](#).

It is provided by the Heritage Council of NSW's Technical Advisory Panel (TAP) who have extensive experience in the application of fire safety provisions in heritage buildings.

### Reducing the heritage impact of Fire Safety Orders

Heritage buildings should be treated as existing buildings under the *Environmental Planning and Assessment Act, 1979* (Act) and *Environmental Planning and Regulations, 2000* (Regulations).

Relevant Enforcement Authorities considering requiring the fire safety upgrade of a heritage building via a Fire Safety Order should note the following.

- In accordance with [Schedule 5, Part 4, Section 3](#) of the Act, authorities must not give an order in respect of an item of the environmental heritage to which subclause (1)(a) applies until after the authority has given notice of the proposed order to the Heritage Council and has considered any submissions duly made by the Heritage Council.
- The prescriptive terms of fire safety orders that specify actions or compliance with provisions of the Building Code of Australia, can negatively impact the significance of heritage buildings.
- Collaborations between heritage practitioners and accredited fire safety practitioners to design overall safety packages, have proven successful on many heritage buildings.
- The negative impacts of fire safety upgrades on heritage buildings can be limited by issuing fire safety orders that support holistic performance-based fire engineered upgrades.
- Performance solutions should be developed for each heritage building based on a first principles analysis of the risk level and significance of the building.
- A performance solution of an overall fire safety package is preferable as it:
  - complies with requirements in [Schedule 5, Section 1](#) of the Act
  - is consistent with a performance-based approach of specifying the standard to be met
  - is best practice
  - can minimise adverse impacts to the building's heritage fabric, structures and spaces
  - can conserve the building's heritage significance for all in the community.

### Further information

For further information please contact Heritage NSW. Requests for assistance in balancing fire safety requirements and heritage considerations may be referred to the Heritage Council of NSW's Technical Advisory Panel (TAP).

Further information on fire safety of heritage buildings can be found at the Heritage Council of NSW's [technical information](#) page.

Heritage NSW: +61 2 9873 8500 or [heritagemailbox@environment.nsw.gov.au](mailto:heritagemailbox@environment.nsw.gov.au).

## Acknowledgements

This updated advice was prepared by the Heritage Council's Technical Advisory Panel (TAP). It was coordinated by Leah Domanski.

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