Essential Safety Provisions – Annual Maintenance

DEVELOPMENT FACT SHEET July 2026

What are Essential Safety Provisions?

Essential Safety Provisions (ESP) are fire safety features in commercial or multi-unit residential buildings (Class 2 – 9 buildings).

Essential Safety Provisions may include fire safety features such as fire detection and alarm systems, sprinkler systems, fire doors, emergency and exit lighting, fire hydrants, fire hose reels and the like.

Properly maintained fire safety features can provide occupants more time to exit a building in the event of a fire and lessen the chance of fire spreading within a building or to adjoining property.

Form 3 Annual Maintenance

An annual certification to council to confirm that the necessary essential safety provisions for the building are being maintained and operating satisfactorily is required.

This is known as a 'Form 3' maintenance certificate and is usually created as part of a development approval for building work or change in building use.

This certificate must be submitted to council within 60 business days after the end of the calendar year.

Who is responsible for submitting the Certificate?

Building owners are responsible for the ongoing maintenance of their own building's fire safety features for the life of the building.

A property owner (or their representative) must return their Form 3 annually.

Do all buildings need an annual Form 3 Certificate?

Not all buildings need the annual Form 3 Certificate. If your building is:

- A class 1b building; or
- A class 3, 4, 5, 6, 7, 8, or 9b provided that the building is:
  - no taller than 2 building levels; or
  - has a floor area of 500m² or less.

Note that the above exemptions do not apply if:

- the ESPs were installed under a condition attached to an approval that is expressed to apply due to a variance with the performance requirements of the Building Code; or
- the building has been subject to a fire safety notice under section 157 of the Planning Development and Infrastructure Act, 2016.

What if multiple Form 3's have been issued for my building over the years?

Where multiple schedules exist in the building, owners may apply to simplify annual reporting by consolidating their essential safety provisions into one document for the purpose of:

- updating maintenance and testing practices that may have changed over time, and/or
- re-establishing base line data for the building.

Should you wish to pursue this, Council advises that you seek building advice from a building certifier listed on the Plan SA Accredited professionals register. A new development application is required to be lodged to amend any ESP's in the building.

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What happens if an owner doesn't comply?

Failure to submit a Form 3 within legislated timeframes may result in fines or enforcement action against a property owner. Fines may range from $750.00 on the spot fee to $10,000 if prosecuted.

In serious cases, council can revoke a Certificate of Occupancy if non-compliance puts occupants at risk.

This means all occupants will be required to vacate the building until it is determined by council to be suitable for occupation.

How do you submit your Form 3

Council can provide building owners with the Form 3 already pre-filled with the information specific to their building as part of the development approval.

However, all forms must be in the prescribed format which is available for download Plan SA.

Sign and submit the completed form to council within **60 business days after the end of the calendar year.**

Email: devadmin@marion.sa.gov.au

Post: PO Box 21 Park Holme South Australia 5043

Further information

If you have any questions about how to maintain the essential safety features in your building, please contact Development Services on 8375 6600 or via email at devadmin@marion.sa.gov.au