

FIRE SAFETY MEASURES IN EARLY CHILDHOOD CENTRES

A Guideline for Fire Safety in Early
Childhood Centres

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Version 1.3, October 2026

Uncontrolled When Printed

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1. Introduction

Early childhood centres (ECCs) as defined by Schedule 1 of the National Construction Code 2022, are facilities that provide care and education for young people (typically from birth to school age). They can offer a range of services designed to support children's early development and preparation for school.

In metropolitan areas, many new developments are designed as mixed-use buildings, incorporating retail spaces and car parking on lower levels. ECCs are also increasingly being included, providing added value and convenience for building owners, tenants and local communities.

While most ECCs in Australia have traditionally been single-storey buildings, growing numbers of families are living in city centres, increasing demand for services in these areas. At the same time, the availability of suitable land for traditional developments is decreasing, resulting in more education and care facilities being established in a wider variety of building types, including multi-storey developments.

Regardless of the type, size or location of the building, children in the care of others are among the most vulnerable occupants in an emergency. Unlike adults, young children may have limited ability to recognise danger, respond to emergency warnings, or evacuate independently. Consequently, all early childhood centres must be designed, managed and operated to support the safe movement and evacuation of children during emergencies.

Ensuring the safety of children in ECCs requires careful consideration of building design, staffing arrangements, evacuation procedures and emergency planning. While these considerations are particularly important in larger or more complex buildings, they are fundamental to the safe operation of all ECCs, regardless of whether they are located in single-storey, multi-storey, stand-alone or mixed-use developments.

2. Purpose

This guideline has been prepared to outline the position of the Tasmania Fire Service (TFS) regarding the minimum operationally suitable fire safety requirements for ECCs following changes adopted in the National Construction Code (NCC) 2022.

The NCC 2022 has introduced several changes intended to enhance fire safety for ECCs located primarily in multi-storey buildings however, these provisions have consequences for all ECCs.

This guideline provides a summary of key information to support an appropriate level of fire safety for both firefighters and building occupants. It incorporates guidance from the Australian Building Codes Board (ABCB) and Consumer, Building and Occupational Services (CBOS), and should be read in conjunction with, not as a replacement for, the requirements of the *Building Act 2016* and any other relevant legislation relating to the care and protection of children and young people.

3. Application

This guideline is developed pursuant of Section 10(4) of the *Fire Service Act 1979* (Tasmania) to provide guidance in relation to fire safety requirements applicable in Tasmania to ECCs as defined in the NCC.

This guideline has been prepared to support building surveyors, building designers, fire safety engineers, bushfire hazard practitioners, persons involved in the construction and management of buildings and other building professionals involved in the design, approval, construction, and management of ECCs.

Throughout this guideline is reference to supporting documentation and policies. For completeness it is recommended these references be read and understood before proceeding with design and construction of ECCs.

4. The Role of the Department for Education, Children and Young People

The Department for Education, Children and Young People (DECYP) was consulted during the development of this Guideline. DECYP is Tasmania's regulatory authority for childcare centres regulated under the *Child Care Act 2001* and education and care services regulated under the *Education and Care Services National Law*. It is also a Function Control Authority under Schedule 3 of the *Building Regulations 2016* (Tas), although the Schedule currently refers to the former Department of Education, reflecting the agency structure that existed before DECYP was established.

Services must comply with all applicable legislative and regulatory requirements, including obligations under the *Child Care Act 2001*, the *Education and Care Services National Law*, and relevant fire safety and building legislation.

The *Director's Determination – Referral to Function Control Authorities Determination 2016* (the Determination) provides that early childhood centres and school-age care facilities operating under the *Education and Care Services National Law* or the *Child Care Act 2001* are deemed special-use buildings for the purposes of the *Building Act 2016* and *Building Regulations 2016*.

Under the Determination, together with sections 98A and 132A of the *Building Act 2016*, a building surveyor must refer the design documentation for a special-use building to the relevant Function Control Authority for comment before issuing a Certificate of Likely Compliance, to ensure compliance with applicable legislative requirements.

5. The Role of TFS

Under the Tasmanian regulatory framework TFS performs the following functions that are relevant to the approval and occupation of ECCs:

- Reporting to building surveyors on the operational suitability of fire safety features in commercial, public and industrial buildings.

- Commenting on any matter considered relevant to the occupancy of a building, including the health and safety of its occupants.
- Review and approval of fire evacuation plans.
- Review and endorsement of bushfire emergency plans and strategies.
- Advising planning authorities on the suitability of proposed bushfire protection measures.

6. Building Fire Safety

Tasmania's Building Regulations and the NCC 2022

The *Building Regulations 2016* adopt the NCC as the applicable technical code for building design and construction in Tasmania. Previous fire safety measures required for Class 9b assembly buildings have been enhanced by new requirements called up in NCC 2022.

Under NCC 2022, ECCs (classified as Class 9b assembly buildings) are subject to specific fire safety requirements, including the provision of a smoke detection and occupant warning system. A summary of those changes is listed below.

Summary of NCC 2022 changes for ECCs

The following information is a summary of the fire safety measures required in all ECCs following the introduction of NCC 2022 which was adopted in Tasmania on 1 May 2023:

- NCC 2022 requires a smoke detection and occupant warning system designed in accordance with AS1670.1 throughout all *early childhood centre buildings*. NCC 2019 did not require a smoke detection and occupant warning system in all *early childhood centre* buildings (NCC 2022, E2D20(3)).
- NCC 2022 Tasmania Appendix requires a fire brigade-monitored smoke detection and occupant warning system in an early childhood centre building with a floor area greater than 500m² or where it is more than 1 storey (NCC 2022, Tas E1P7 & Tas E1D17).
- NCC 2022 Tasmania Appendix Part I16, Clause Tas I16D2 requires early childcare centres to comply with the *Early Childhood Centre and School Age Care Facilities Code 2012* (the Code), published by CBOS.
- NCC 2022 requires a sprinkler system to be installed throughout a building containing an early childhood centre, including through any other building classification, noting that there are exemptions for the provision of sprinkler systems in specific buildings (NCC 2022 E1D11).
- NCC 2022 requires early childhood centres located in bushfire prone areas to be designed and constructed in accordance with the bushfire construction requirements of NCC Specification 43.

Early Childhood Centre and School Age Care Facilities Code 2012

In 2012, Consumer Building and Occupational Services (CBOS) published the *Early Childhood Centre and School Age Care Facilities Code*. The CBOS Code sets out additional performance requirements and deemed-to-satisfy (DTS) provisions for the construction and maintenance of Early Childhood Centres and School Age Care Facilities.

The requirements in the Code are called up under NCC 2022, Tasmania Appendix Part Tas I16D2. The DTS provisions require early childhood centres to comply with the CBOS Code.

The CBOS Code currently reflects fire safety measures that pre-date the adoption of NCC 2022 and have not yet been revised to incorporate the updated requirements of NCC 2022.

This creates potential inconsistency between:

- The NCC 2022 requirements, and
- The provisions referenced within the CBOS Code.

Smoke Detection and Occupant Warning Requirements

NCC Clause E2D20(3) – Class 9b Assembly Buildings

Clause E2D20(3) requires that:

A building containing a Class 9b early childhood centre must be provided with an automatic smoke detection and alarm system complying with Specification 20 throughout the whole building, including any part of another class.

Tasmania Appendix Tas E1P7 and Tas E1D17 – Automatic Fire Detection Systems

In addition:

A smoke detection and occupant warning system, designed in accordance with AS 1670.1, is required in all early childhood centres; and

Where the building has a floor area exceeding 500 m², the system must:

- Be monitored by the fire brigade, and
- Be designed in accordance with AS 1670.1 and AS 1670.3.

TFS Position on Clause E2D20(3) and Performance Solutions

While TFS remains committed to engaging in meaningful discussions on performance-based design initiatives, it does not generally support Performance Solutions that propose departures from the requirements of Clause E2D20(3) of NCC 2022, which mandates the provision of an automatic smoke detection and alarm system throughout a building containing an early childhood centre.

Early childhood centre occupants are recognised as vulnerable and present evacuation challenges, including reliance on assisted evacuation and increased evacuation times.

Accordingly, TFS considers that compliance with the Deemed-to-Satisfy provisions of NCC 2022 represents an appropriate minimum standard of life safety for these facilities.

Sprinkler System Requirements

NCC Clause E1D11(2) – Class 9b Early Childhood Centres

A sprinkler system, designed in accordance with AS 2118.1, be installed throughout the whole building containing a Class 9b early childhood centre, unless exempt under the permitted exemption provided under NCC Clause E1D11.

TFS position on Fire Safety Measures in ECCs

The Tasmania Fire Service considers that the provision of automatic smoke detection and occupant warning systems throughout buildings containing early childhood centres is a fundamental life safety requirement under NCC 2022. Given the vulnerability of occupants and the associated evacuation challenges, compliance with the DTS provisions—particularly Clause E2D20(3)—represents an appropriate and necessary minimum standard.

The TFS expects that NCC 2022 requirements are applied in full.

TFS is of the view that a performance solution that omits or reduces smoke detection or occupancy warning systems will almost certainly be unable to satisfy the NCC performance requirements. Proposals of this nature are unlikely to be supported by TFS.

Fire evacuation procedures for ECCs

Regulation 20 of the *General Fire Regulations 2021* requires that an approved fire evacuation plan be in place for all specified buildings. Under Regulation 5(1), a specified building includes the following:

- (h) *a child care centre within the meaning of the Child Care Act 2001*
- (i) *an education and care service premises for any education and care service other than a family day care service*

(2) For the purposes of subregulation (1)(i), education and care service, education and care service premises and family day care service have the same meanings as in the Education and Care Services National Law (Tasmania).

Services must ensure that emergency and evacuation planning adequately addresses the needs of infants, toddlers, and children with disability or additional needs, recognising that many children attending early childhood services may be unable to self-evacuate and may require varying levels of assistance. Evacuation procedures should be informed by service-specific risk assessments and include appropriate supports, equipment, staffing arrangements and training to facilitate the safe evacuation of all children during an emergency.

For guidance and support in developing a fire evacuation procedure refer to the TFS Fire Evacuation Plan Guidelines available from the TFS website and Australian Standard 3745 Planning for Emergencies in Facilities.

In addition to complying with applicable fire safety and building requirements, services must meet their obligations under work health and safety legislation and relevant regulatory frameworks. This may include undertaking service-specific emergency and evacuation risk assessments to identify and manage risks, considering requirements administered by the *Child Care Act 2001*, and the *Education and Care Services National Law*, to support the health, safety and wellbeing of children, workers and others affected by the service's operations.

7. Consultation with stakeholders

Designers and fire safety consultants are encouraged to engage with the approved provider and service operator throughout the design and approval process along with Tasmania Fire Service to ensure that fire safety systems and evacuation arrangements are fit for purpose and reflect the operational realities of the service.

The consultation should consider the age and developmental needs of children, staffing and supervision requirements, and the needs of infants, toddlers and children with disability or additional needs, to support safe and effective emergency evacuation outcomes.

8. Bushfire Safety

In Tasmania, bushfire safety associated with ECCs must be considered at both the planning and building approvals stage. Bushfire requirements apply to use and development in a designated bushfire-prone area.

Approximately 98% of Tasmania's land area is designated as a bushfire-prone area. To check if a site is within a bushfire-prone area please refer to one of the following websites:

- [RiskReady](#).
- [PlanBuild](#).
- [Land Information System Tasmania \(LIST\)](#) (note you will need to add the Tasmanian Planning Scheme – Code Overlay).

If located in a bushfire-prone area, it is recommended that the proponent engages an accredited bushfire practitioner early in the design process, failure to do so may result in delays in the planning approvals process and potentially costly redesigns.

Bushfire-Prone Areas Code

The *Land Use Planning and Approvals Act 1993* requires that proposed use and development conform to the applicable planning scheme. Section C13.0 of the Tasmanian Planning Scheme is the Bushfire-Prone Areas Code.

Use and development of land for an ECC will be classified as 'Educational and Occasional Care' and is a Vulnerable Use for the purposes of the Code.

Clause C13.5.1 P1

P1 requires discretionary approval from the planning authority. The planning authority must consider the suitability of the site from a bushfire risk perspective and the advice of TFS.

Clause C13.5.1 A2

A2 requires a TFS endorsed emergency management strategy (EMS). Its purpose is to consider the foreseeable bushfire scenarios and the potential suitability of different emergency response. The EMS will inform the preparation of a more detailed Bushfire Emergency Plan that is normally prepared after planning approval is granted. The EMS may also inform aspects of the preliminary design. The EMS is usually prepared by a bushfire practitioner however it may be prepared by others.

For further information on EMS, refer to the TFS *Bushfire Emergency Planning Guideline* and relevant template on the 'Building for Bushfire' section of the TFS website.

Clause C13.5.2 A3

A3 requires a bushfire hazard management plan (BHMP) for the proposal. The purpose of BHMP is to specify the proposed bushfire risk mitigations. This will include minimum design and construction requirements applicable through Tasmanian building legislation. Provision must also be made for appropriate firefighting access and water supplies.

The proposed bushfire risk mitigations need to be established at the planning stage as they may influence the siting and design of proposed buildings, the extent of required vegetation removal and assessment of site suitability.

The BHMP must be certified by an accredited bushfire hazard practitioner.

It is expected that BAL 12.5 will be adopted for the BHMP (refer to the Director's Determination)

Director's Determination – Bushfire Hazard Areas

The *Director's Determination – Bushfire Hazard Areas* has statutory effect through Section 20 of the *Building Act 2016*. The Determination supplements the NCC with additional requirements.

The Determination specifies bushfire requirements for:

- Hazard management areas.
- Construction.
- Firefighting water supplies.
- Private access.
- Bushfire emergency planning.

Aside from bushfire emergency planning, the requirements of NCC 2022, Part G5 are more stringent than those of the Determination.

BAL 12.5 is the deemed to satisfy level specified for the Hazard Management Area.

The Determination requires a certified BHMP. As outlined previously, a BHMP will have already been prepared at planning approvals stage. The BHMP may require some revision as aspects of the detailed design are resolved.

The Determination requires a TFS-endorsed Bushfire Emergency Plan (BEP). Ordinarily, the BEP will not be finalised prior to the issue of a certificate of likely compliance. It must be finalised, endorsed by TFS and implemented prior to occupancy. The BEP is usually prepared by a bushfire practitioner however it may be prepared by others.

For further information on BEPs, refer to the TFS *Bushfire Emergency Planning Guideline* and relevant template on the 'Building for Bushfire' section of the TFS website.

National Construction Code 2022 – Part G5

Significant changes for bushfire requirements applicable to Certain Class 9 buildings were introduced in NCC 2022.

The changes to Part G5 were in response to the 2009 Victorian Bushfires Royal Commission (VBRC). Recommendation 48 of the VBRC identified the need for the Building Code of Australia to include construction standards for non-residential buildings that will be occupied by people who are particularly vulnerable to bushfire attack - such as schools, childcare centres, hospitals and aged care facilities.

The Performance Requirements (G5P1 and G5P2) establish the scope of building performance design considerations that apply to ECCs. Buildings must be designed and constructed to resist a 1:200-year APE design bushfire.

The Deemed-to-Satisfy requirements (G5D1, G5D2, G5D4) require compliance with Specification 43 (S43). S43 provides minimum requirements for:

- Separation from classified vegetation.
- Separation between buildings.
- Separation from allotment boundaries and carparking areas.
- Separation from hazards.
- Non-combustible path around building.
- Access pathways.
- Exposed external areas.
- Internal tenability.
- Building envelope.
- Supply of water for firefighting purposes.
- Emergency power supply.
- Signage.
- Vehicular access.

Given that many of the requirements can affect building siting, they should be addressed at the earliest stages of design development, including the preliminary design phase.

Many of the requirements are technically challenging and will require input from a range of consultants.

If a Performance Solution is proposed, TFS will need to be engaged in conformance with the NCC Governing Provisions and the *Building Act 2016*.

9. References

Australian Building Codes Board, National Construction Code (NCC), 2022, Volume One, Schedule 9 Tasmania, Part E1 Fire fighting equipment, Clause Tas E1P7 - Automatic fire detection system.

Australian Building Codes Board, National Construction Code (NCC), 2022, Volume One, Section – Special use buildings, TAS Part I16 – Early childhood centres and school age care facilities.

Australian Building Codes Board, National Construction Code (NCC), 2022, Volume One, Section E Services and equipment, Part E1 Fire fighting equipment, Clause E1D7 - Where sprinklers are required: Class 3 building used as a residential care building.

Australian Building Codes Board, National Construction Code (NCC), 2022, Volume One, Sections E Services and equipment, Part E2 Smoke hazard management, Clause E2D20(3).

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