

# Fire Safety Statements

This information sheet details the mandatory requirements regarding the inspection and certification of essential fire safety services located within or serving existing buildings.

## **What is an essential fire safety service?**

Essential fire safety services encompass a number of fire safety measures, including:

- automatic fire sprinkler systems
- smoke alarms & detection systems
- self-closing fire doors
- self-closing solid-core doors
- exit signs
- fire hydrants
- fire extinguishers
- smoke exhaust systems
- fire drenchers/wall-wetting sprinklers
- emergency lighting
- fire dampers
- fire exits & exit systems
- paths of travel to exits
- fire hose reels
- fire-resisting construction

## **What is a fire safety statement?**

Under the provisions of the *Environmental Planning and Assessment Regulation 2000* ('the Regulation'), the owner of a building which is subject to the essential fire safety requirements, must submit an annual or supplementary *Fire Safety Statement* to the Council and display a copy prominently in the building. A copy of the *Fire Safety Statement* must also be provided to NSW Fire & Rescue.

A *Fire Safety Statement* is a type of certificate which certifies that the essential fire safety measures have been tested, are currently operational and have been maintained in accordance with the relevant Building Code of Australia requirements and Australian Standards.

## **Why have essential fire safety measures?**

The essential fire safety measures in a building play a critical role in ensuring the life safety of the occupants of the building in the event of a fire and they must be maintained in accordance with the relevant standards.

Building owners and managing agents need to be aware of these requirements, as failure to adequately maintain and certify the essential fire safety measures in a building is an offence and will render the owner liable to substantial penalties. More importantly, a failure to meet these requirements can affect the life safety of the occupants of the building.

## **When is a building or premises subject to these requirements?**

All buildings classified under the Building Code of Australia (BCA) as Class 1b and Class 2 to Class 9 buildings, which were subject to a building approval, construction certificate, complying development certificate, or, a fire safety notice or order issued by the council, after 1 July 1988, are automatically subject to the essential fire safety services requirements. These buildings include; residential flat buildings; townhouse developments; duplex style dual occupancies; shops; offices; commercial buildings; public assembly buildings; warehouses; industrial buildings; nursing homes & places of shared accommodation.

Some older buildings may not yet be subject to these certification requirements and the existing levels of fire safety may be deficient in some way. Therefore, it is recommended that building owners to obtain a report from a building and fire safety consultant and voluntarily carry out any necessary fire safety upgrading works (subject to obtaining the prior approval from council). This way, the building owner is in a better position to specify the necessary fire safety upgrading works which suit the characteristics of the building as well as achieving an acceptable level of upgrade over a reasonable period of time.

## **How do I know what essential fire safety measures need to be inspected and certified?**

When the council or building certifier issues a construction certificate, complying development certificate or fire safety order, they must attach a *fire safety schedule* which specifies the essential fire safety measures that must be provided in the building.

Upon completion of the building and fire safety works contained in the certificate or order, a *Fire Safety Certificate* was required to be provided to the council and building certifier, which certified that the fire safety measures were installed and satisfied the requirements of the Building Code of Australia (BCA) and relevant Australian Standards.

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## **GET IN CONTACT**

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The specific essential fire safety measures which must be inspected and certified in the *annual fire safety statement* must be the same as the fire safety measures contained in the *fire safety schedule and Fire Safety Certificate*, for the whole of the building.

### **Obtaining an annual or supplementary Fire Safety Statement**

As of 1 October 2017, the inspection and assessment of each fire safety measure must be carried out by a *competent fire safety practitioner*, as defined in the Regulation.

The owner of the building is responsible for the selection and appointment of the *competent fire safety practitioner/s* to undertake the necessary inspections and assessments before an annual or supplementary Fire Safety Statement can be issued.

As of the 1 December 2017, the *Fire Safety Statement* must be provided in the 'approved form' and it must include the name, contact details and signature of the *competent fire safety practitioner* who carried out these inspections and assessments.

The Fire Safety Statement form can be downloaded from the NSW Department of Planning & Environment website; <http://www.planning.nsw.gov.au/~media/Files/DPE/Other/annual-and-supplementary-fire-safety-statement-form-2017.ashx>.

The NSW government has also issued a guide, entitled 'Selecting a Competent Fire Safety Practitioner', to assist building owners to select and confirm the suitability and appointment of a *competent fire safety practitioner* to inspect and certify the fire safety measures in the building.

This guide is available on the NSW Department of Planning & Environment website; <http://www.planning.nsw.gov.au/~media/Files/DPE/Guidelines/selecting-a-competent-fire-safety-practitioner-a-guide-for-building-owners-2017-10.ashx>.

### **What should I do to comply with these requirements?**

1. Obtain a copy of the *fire safety schedule* for the whole of the building (from council or the certifier),
2. Engage the services of a suitably qualified *competent fire safety practitioner/s* (as defined in the Regulation)
3. Make the necessary arrangements for the appointed *competent fire safety practitioner/s* to inspect and assess all of the fire safety measures in the whole of the building,
4. Carry out any necessary repairs or maintenance work, to ensure that all of the fire safety measures are fully operational and are being maintained in accordance with the relevant standards,
5. Arrange for the *competent fire safety practitioner* to undertake any necessary reinspections or assessments following any repairs or maintenance works on the fire safety measures,
6. The annual or supplementary Fire Safety Statement form is completed by the owner, agent and *competent fire safety practitioner* (as applicable).
7. Check that the annual or supplementary Fire Safety Statement is provided in the 'approved form' and includes all of the fire safety measures contained in the *fire safety schedule* for the whole of the building,
8. Submit the annual or supplementary Fire Safety Statement to the Council before the 'due date', together with payment of Council's invoice.

### **When is a fire safety statement due?**

An annual Fire Safety Statement must be given to Council (and Fire & Rescue NSW) on an annual basis, within 12 months after the date the previous Fire Safety Statement or Fire Safety Certificate was given. A supplementary Fire Safety Statement must be given in the period specified in the relevant fire safety schedule.

### **What penalty provisions may apply?**

Council may issue a penalty infringement notice (on-the-spot fine), if the annual or supplementary Fire Safety Statement is not submitted to Council (and the Fire & Rescue NSW) by the 'due-date'. The schedule of fines that can be issued are detailed below:

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|--|---------|
| • Fire safety statement is 1 week late – penalty infringement          | \$1,000 |
| • Fire safety statement is 2 weeks late – penalty infringement         | \$2,000 |
| • Fire safety statement is 3 weeks late – penalty infringement         | \$3,000 |
| • Fire safety statement is 4 or more weeks late – penalty infringement | \$4,000 |

### **How do I obtain further information?**

For further information contact Council on 1300 722 542 during business hours, or alternatively, contact your own building certifier or *competent fire safety practitioner*.