

# Fire Safety Certificates

This information sheet details the requirements regarding the certification of essential fire safety services within buildings.

In summary, under the provisions of the *Environmental Planning and Assessment Regulation 2000*, the owner of a building, which is subject to the essential fire safety services requirements, must submit a *fire safety certificate* to Council prior to occupation of new buildings, including alterations and additions to existing buildings. A *fire safety certificate* must also be provided to the Council upon completion of fire safety upgrading works contained in a Council fire safety order. The owner is also required to have the building inspected on an annual basis by a suitably qualified building / fire safety consultant and submit a *fire safety statement* to the Council, at least on an annual basis.

A copy of the fire safety certificate / fire safety statement must be displayed within the building in a conspicuous position and a copy is also required to be forwarded to Fire & Rescue NSW.

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

Essential fire safety services encompass a number of fire safety measures within buildings or premises and include:

- 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 certificate?**

The relevant provisions regarding *fire safety certificates* and *fire safety statements* can be found in Part 9 of the *Environmental Planning and Assessment Regulation 2000* ('the Regulation').

In summary, a *fire safety certificate* is a certificate, submitted by or on behalf of the owner of the building, which certifies that each essential fire safety measure that is identified in the *fire safety schedule* (which is attached to the relevant construction certificate, complying development certificate or fire safety order for the premises), has been assessed by a qualified person and each fire safety measure has been installed and performs in accordance with the relevant requirements of the Building Code of Australia and Australian Standards specified in the *fire safety schedule*.

The *fire safety certificate* must comply with the requirements of Part 9 of the Regulation and as of 1 December 2017, the *fire safety certificate* must be in the 'approved form' as approved by the NSW Department of Planning & Environment.

A blank *fire safety certificate* can be downloaded from the NSW Department of Planning & Environment website; <http://www.planning.nsw.gov.au/~media/Files/DPE/Other/fire-safety-certificate-form-2017.ashx>.

## **What is an annual or supplementary fire safety statement?**

An annual or supplementary *fire safety statement* is a type of certificate submitted by or on behalf of the owner of the building, which certifies that each of 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.

An annual *fire safety statement* must be given to Council (and Fire & Rescue NSW) at least on an annual basis, within 12 months after the date on which the previous *fire safety statement* or *fire safety certificate* was given.

A supplementary *fire safety statement* must be given to Council on a more frequent periodic basis (i.e. every 3 months) as specified in the Fire Safety Schedule for the building.

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## **GET IN CONTACT**

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### **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 would be appropriate for building owners to obtain a fire safety report from a building and fire safety consultant and to voluntarily carry out any necessary fire safety upgrading works (subject to obtaining the prior approval from council).

### **Arranging annual inspections and fire safety certification**

Building owners and managing agents need to be aware of these important fire safety requirements. Failure to submit an accurate and complete *annual or supplementary fire safety statement* is an offence and will render the owner liable to substantial penalties. More importantly, a failure to meet these requirements may affect the life safety of the occupants of the building.

To arrange for the essential fire safety services to be inspected and to obtain an annual or supplementary *fire safety statement*, building owners/agents are required to employ the services of a competent fire safety practitioner/s to inspect and assess the fire safety measures and to provide the necessary certification before the due date.

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

Council is not required by law to remind building owners that a *fire safety statement* is due to be provided for their building and Council may issue a penalty infringement notice (fine) if the required annual or supplementary *fire safety statement* is not submitted to Council (and Fire & Rescue NSW) by the 'due-date'. The schedule of fines that can be issued are detailed below:

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| • Failure to provide Fire safety statement - 1 week late                           | \$1,000 |
| • Failure to provide Fire safety statement - 2 weeks late                          | \$2,000 |
| • Failure to provide Fire safety statement - 3 weeks late                          | \$3,000 |
| • Failure to provide Fire safety statement - 4 or more weeks late                  | \$4,000 |
| • Failure to provide final <i>fire safety certificate</i> to Council - Corporation | \$6,000 |
| • Failure to provide final <i>fire safety certificate</i> to Council - Individual  | \$3,000 |

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

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